

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIRST LEGISLATIVE DAY**

Helena, Montana  
January 3, 2001

House Chambers  
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 57<sup>th</sup> Legislature of the State of Montana was called to order by the Honorable Bob Brown, Secretary of State of the State of Montana.

Posting of the Colors by Lieutenant Lance Hare and staff from the Montana National Guard and the Pledge of Allegiance to the Flag followed.

Invocation by Pastor Darold Reiner of Trinity Lutheran Church, Kalispell, Montana.

Chief Clerk Marilyn Miller called the roll of the members of the House of Representatives of the 57<sup>th</sup> Legislature. District No. 1, Keith Bales; District No. 2, Ralph L. Lenhart; District No. 3, Ronald R. Devlin; District No. 4, Gary Matthews; District No. 5, Norma Bixby; District No. 6, Bill Eggers; District No. 7, Monica J. Lindeen; District No. 8, Alan Olson; District No. 9, Mark E. Noennig; District No. 10, Art Peterson; District No. 11, Kim Gillan; District No. 12, Clarice Schruppf; District No. 13, Joan Hurdle; District No. 14, Roy Brown; District No. 15, Daniel C. Fuchs; District No. 16, Gary L. Forrester; District No. 17, Gary Branae; District No. 18, Dennis Himmelberger; District No. 19, Tom Dell; District No. 20, Ken Peterson; District No. 21, Daniel W. McGee; District No. 22, Jeff Laszloffy; District No. 23, Joan Anderson; District No. 24, Robert R. Story, Jr.; District No. 25, John Esp; District No. 26, Michelle Lee; District No. 27, Bob Davies; District No. 28, Cindy Younkin; District No. 29, Larry Jent; District No. 30, Christopher Harris; District No. 31, Steve Vick; District No. 32, Joe Balyeat; District No. 33, Diane Rice; District No. 34, Debby Barrett; District No. 35, Steve Gallus; District No. 36, Jim Keane; District No. 37, Larry Cyr; District No. 38, Brad Newman; District No. 39, Rick Dale; District No. 40, GayAnn Masolo; District No. 41, James G. Whitaker; District No. 42, Trudi Schmidt; District No. 43, Tim Callahan; District No. 44, George Golie; District No. 45, Jeff Mangan; District No. 46, Brett Tramelli; District No. 47, Joe Tropila; District No. 48, Kathleen Galvin-Halcro; District No. 49, Joe McKenney; District No. 50, Rick Ripley; District No. 51, Gilda Clancy; District No. 52, Dave Gallik; District No. 53, Christine Kaufmann; District No. 54, Hal Jacobson; District No. 55, Dave Lewis; District No. 56, Allen Rome; District No. 57, Jesse Laslovich; District No. 58, Doug Mood; District No. 59, Rick Laible; District No. 60, Allan Walters; District No. 61, Jim Shockley; District No. 62, Butch Waddill; District No. 63, Dick Haines; District No. 64, Ron Erickson; District No. 65, Rosalie Buzzas; District No. 66, Gail Gutsche; District No. 67, Tom Facey; District No. 68, David E. Wanzenried; District No. 69, Nancy Rice Fritz; District No. 70, Holly Raser; District No. 71, Sylvia Bookout-Reinicke; District No. 72, Paul Clark; District No. 73, Joey Jayne; District No. 74, John Brueggeman; District No. 75, Stanley M. Fisher; District No. 76, Paul Sliter; District No. 77, Rod Bitney; District No. 78, Roger Somerville; District No. 79, Verdell Jackson; District No. 80, Bob Lawson; District No. 81, Aubyn Curtiss; District No. 82, Eileen Carney; District No. 83, Dee L. Brown; District No. 84, Darrel Adams; District No. 85, Carol C. Juneau; District No. 86, Linda L. Holden; District No. 87, Larry R. Lehman; District No. 88, Edith J. Clark; District No. 89, John E. Witt; District No. 90, Merlin Wolery; District No. 91, John L. Musgrove; District No. 92, Matt McCann; District No. 93, Bill Thomas; District No. 94, William R. Price; District No. 95, Jeff Pattison; District No. 96, Karl A. Waitschies; District No. 97, Donald L. Hedges; District No. 98, Frank J. Smith; District No. 99, Dave Kasten; District No. 100, Donald Steinbeisser. All members present.

Bob Brown, Secretary of State of the State of Montana extended greetings to the members on behalf of the State of Montana and then delivered his speech.

Secretary of State Brown introduced the Honorable Karla Gray, Chief Justice of the Supreme Court of Montana. Chief Justice Gray administered the following oath of office:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2001

of the State of Montana and that I will discharge the duties of my office as a member of the House of Representatives with fidelity, so help me God."

Secretary of State Brown informed the members of the House of Representatives that he had been advised that all oaths of office had been signed and received. These were presented to Chief Justice Gray for her acknowledgment and then filed in the Secretary of State's office.

Secretary of State Brown called for nominations for Speaker of the House of Representatives.

Representative Sliter nominated Representative McGee, District No. 21.

Representative Gillan moved the nominations be closed. Motion carried.

Representative Sliter moved that Representative Dan McGee, District No. 21, be elected as Speaker of the House of Representatives for the 57<sup>th</sup> Legislature. Motion carried.

Representatives Curtiss and Tropila escorted Speaker McGee to the rostrum where he was formally introduced by Secretary of State Brown. Secretary of State Brown invited Speaker McGee's daughter up to present a gift to her father, an engraved gavel.

Representatives Brown and Younkin escorted Secretary of State Brown, Chief Justice Gray, and Pastor Reiner from the House Chamber.

Speaker McGee introduced his family and then delivered his acceptance speech.

Representative R. Brown moved the following be nominated as officers of the House of Representatives for the 57<sup>th</sup> Legislature:

Speaker Pro Tempore - Representative Doug Mood  
Chief Clerk - Marilyn Miller  
Sergeant-at-Arms - Chris Ahner

The House officers were unanimously elected.

Chief Clerk Marilyn Miller announced that the caucuses have elected the following officials:

House Majority Leader - Representative Paul Sliter  
House Minority Leader - Representative Kim Gillan  
House Majority Whips - Representatives Roy Brown and Cindy Younkin  
House Minority Whip - Representative George Golie  
Minority Caucus Leader - Tom Facey

House Minority Leader Kim Gillan addressed the House members.

Representative Sliter moved that the rules of the 56<sup>th</sup> Legislature be adopted as the temporary House operating rules of the 57<sup>th</sup> Legislature. Motion carried.

Representative Sliter moved that the Joint rules of the 56<sup>th</sup> Legislature be adopted as the temporary Joint operating rules of the 57<sup>th</sup> Legislature. Motion carried.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2001

Representative Sliter moved that the Speaker appoint a committee of four members to notify the Governor that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Bookout-Reinicke, Chairman, Story, McCann, and Schmidt.

Representative Sliter moved that the Speaker appoint a committee of four members to notify the Senate that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Masolo, Chairman, Hedges, Hurdle, and Clark.

Representative Sliter moved that the Speaker appoint a committee of four members to notify the Supreme Court that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Adams, Chairman, Lawson, Smith, and Galvin-Halcro.

The committees were discharged from the chamber.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

**REPORTS OF SELECT COMMITTEES**

A committee from the Senate composed of Senators Miller, Chairman, Ekegren and Halligan was admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send it.

The committee appointed to notify the Governor that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Senate that the House is ready for business reported that it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready for business reported it had done so. The committee was thanked and discharged.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 1**, introduced by Vick, referred to Appropriations.

**HB 2**, introduced by Vick (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 3**, introduced by Fisher (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 4**, introduced by Witt (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 5**, introduced by McCann (by request of the Governor), referred to Appropriations.

**HB 6**, introduced by McCann (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

**HB 7**, introduced by McCann (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

**HB 8**, introduced by McCann (by request of the Department of Natural Resources and Conservation and the Office of

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2001

Budget and Program Planning), referred to Appropriations.

**HB 9**, introduced by Kasten (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 10**, introduced by Kasten (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 11**, introduced by Kasten (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Appropriations.

**HB 12**, introduced by Haines (by request of the Department of Environmental Quality and the Office of Budget and Program Planning), referred to Appropriations.

**HB 13**, introduced by Lewis (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Appropriations.

**HB 14**, introduced by McCann (by request of the Governor), referred to Appropriations.

**HB 15**, introduced by McCann (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 16**, introduced by Somerville (by request of the Governor and the Montana Historical Society), referred to Taxation.

**HB 17**, introduced by Haines (by request of the Office of Budget and Program Planning), referred to Appropriations.

**HB 18**, introduced by Somerville (by request of the Revenue and Taxation Interim Committee), referred to Transportation.

**HB 19**, introduced by Lenhart, referred to Business and Labor.

**HB 20**, introduced by Shockley (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Business and Labor.

**HB 21**, introduced by Eggers (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Appropriations.

**HB 22**, introduced by Lindeen (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 23**, introduced by R. Erickson (by request of the Revenue and Taxation Interim Committee), referred to Taxation.

**HB 24**, introduced by R. Erickson (by request of the Revenue and Taxation Interim Committee), referred to Taxation.

**HB 25**, introduced by Sliter (by request of the Code Commissioner), referred to State Administration.

**HB 26**, introduced by E. Clark (by request of the Department of Commerce), referred to Business and Labor.

**HB 27**, introduced by Musgrove, referred to Judiciary.

**HB 28**, introduced by Musgrove, referred to State Administration.

**HB 29**, introduced by Noennig (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**HB 30**, introduced by Matthews (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**HB 31**, introduced by Juneau (by request of the Office of Public Instruction), referred to Education.

**HB 32**, introduced by Lawson, referred to Education.

**HB 33**, introduced by C. Younkin (by request of the Department of Natural Resources and Conservation), referred to Transportation.

**HB 34**, introduced by Gallik (by request of the Department of Administration), referred to Appropriations.

**HB 35**, introduced by McKenney (by request of the Department of Commerce), referred to Federal Relations, Energy, and Telecommunications.

**HB 36**, introduced by Gallik (by request of the State Tax Appeal Board), referred to Taxation.

**HB 37**, introduced by Witt (by request of the Department of Revenue), referred to Taxation.

**HB 38**, introduced by Schmidt (by request of the Children, Families, Health, and Human Services Interim Committee), referred to State Administration.

**HB 39**, introduced by Fuchs (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 40**, introduced by Witt (by request of the Department of Commerce), referred to Natural Resources.

**HB 41**, introduced by Witt (by request of the Legislative Finance Committee), referred to Appropriations.

**HB 42**, introduced by G. Masolo (by request of the Office of Public Instruction and the Governor), referred to



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2001

Appropriations.

**HB 43**, introduced by L. Holden (by request of the Department of Commerce and Office of Budget and Program Planning), referred to Appropriations.

**HB 44**, introduced by Haines (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 45**, introduced by Witt (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 46**, introduced by Dale (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 47**, introduced by Price (by request of the Department of Commerce), referred to State Administration.

**HB 48**, introduced by E. Clark (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to Appropriations.

**HB 49**, introduced by McKenney (by request of the Department of Commerce and the Governor), referred to Appropriations.

**HB 50**, introduced by Juneau (by request of the Department of Commerce), referred to State Administration.

**HB 51**, introduced by Facey, referred to State Administration.

**HB 52**, introduced by Gallik (by request of the Department of Military Affairs), referred to Judiciary.

**HB 53**, introduced by Juneau, referred to Education.

**HB 54**, introduced by Juneau, referred to Judiciary.

**HB 55**, introduced by Juneau, referred to Judiciary.

**HB 56**, introduced by Lawson, referred to Business and Labor.

**HB 57**, introduced by R. Erickson (by request of the Revenue and Taxation Interim Committee), referred to Taxation.

**HB 58**, introduced by R. Erickson, referred to Taxation.

**HB 59**, introduced by R. Erickson, referred to Local Government.

**HB 60**, introduced by Olson (by request of the Governor), referred to Education.

**HB 61**, introduced by R. Erickson, referred to Taxation.

**HB 62**, introduced by Mangan (by request of the Education Interim Committee), referred to Judiciary.

**HB 63**, introduced by Dell (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to State Administration.

**HB 64**, introduced by K. Peterson (by request of the Department of Revenue), referred to Judiciary.

**HB 65**, introduced by Lawson (by request of the Governor), referred to Education.

**HB 66**, introduced by Harris, referred to Judiciary.

**HB 67**, introduced by Harris, referred to Transportation.

**HB 68**, introduced by Price, referred to Judiciary.

**HB 69**, introduced by McCann (by request of the Legislative Finance Committee), referred to Natural Resources.

**HB 70**, introduced by R. Erickson, referred to State Administration.

**HB 71**, introduced by Gallik, referred to Business and Labor.

**HB 72**, introduced by Facey, referred to Transportation.

**HB 73**, introduced by R. Brown (by request of the Business and Labor Interim Committee), referred to Business and Labor.

**HB 74**, introduced by E. Clark, referred to State Administration.

**HB 75**, introduced by E. Clark, referred to Transportation.

**HB 76**, introduced by Mangan, referred to Judiciary.

**HB 77**, introduced by Mangan, referred to Judiciary.

**HB 78**, introduced by E. Clark (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to Transportation.

**HB 79**, introduced by B. Thomas (by request of the Department of Public Health and Human Services), referred to Human Services.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2001

**HB 80**, introduced by Smith, referred to Judiciary.

**HB 81**, introduced by Andersen, referred to Human Services.

**HB 82**, introduced by Fuchs, referred to Natural Resources.

**HB 83**, introduced by Matthews, referred to Judiciary.

**HB 84**, introduced by Schmidt, referred to Business and Labor.

**HB 85**, introduced by Schmidt, referred to Business and Labor.

**HB 86**, introduced by Schmidt, referred to Transportation.

**HB 87**, introduced by G. Masolo (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 88**, introduced by Lindeen, referred to Federal Relations, Energy, and Telecommunications.

**HB 89**, introduced by Fuchs, referred to Judiciary.

**HB 90**, introduced by Shockley, referred to State Administration.

**HB 91**, introduced by Golie (by request of the Office of Public Instruction), referred to Judiciary.

**HB 92**, introduced by Gillan, B. McCarthy, B. Tash, J. Tester, M. Lindeen, P. Clark (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 93**, introduced by Gillan (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 94**, introduced by Gillan (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 95**, introduced by Matthews (by request of the Department of Commerce), referred to Business and Labor.

**HB 96**, introduced by Hurdle, referred to Human Services.

**HB 97**, introduced by Lewis (by request of the Teachers' Retirement Board), referred to State Administration.

**HB 98**, introduced by Lewis, referred to Business and Labor.

**HB 99**, introduced by Devlin (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 100**, introduced by Price (by request of the Department of Administration), referred to State Administration.

**HB 101**, introduced by R. Brown (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 102**, introduced by Golie, referred to Judiciary.

**HB 103**, introduced by Olson (by request of the Office of Public Instruction), referred to Education.

**HB 104**, introduced by P. Clark (by request of the Department of Corrections), referred to Judiciary.

**HB 105**, introduced by Haines (by request of the Department of Administration, the Department of Fish, Wildlife, and Parks, the Department of Revenue, the Department of Transportation, and the State Library Commission), referred to Appropriations.

**HB 106**, introduced by Mangan, referred to Judiciary.

**HB 107**, introduced by Eggers, referred to Federal Relations, Energy, and Telecommunications.

**HB 108**, introduced by Noennig, referred to Education.

**HB 109**, introduced by Mangan, referred to Appropriations.

**HB 110**, introduced by Noennig, referred to Education.

**HB 111**, introduced by Lawson, referred to Local Government.

**HB 112**, introduced by Brueggeman (by request of the Department of Administration), referred to State Administration.

**HB 113**, introduced by Devlin (by request of the Department of Natural Resources and Conservation), referred to Agriculture.

**HB 114**, introduced by Story (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 115**, introduced by Shockley (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**HB 116**, introduced by D. Mood (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 117**, introduced by Andersen, referred to Judiciary.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2001

**HB 118**, introduced by Clancy (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 119**, introduced by Vick, Haines, Tester, Nelson, Taylor (by request of the Legislative Audit Committee), referred to Judiciary.

**HB 120**, introduced by McKenney (by request of the Department of Commerce), referred to Business and Labor.

**HB 121**, introduced by D. Mood (by request of the Governor), referred to Education.

**HB 122**, introduced by Lee, referred to Human Services.

**HB 123**, introduced by Lee, referred to Federal Relations, Energy, and Telecommunications.

**HB 124**, introduced by Story (by request of the Local Government Funding and Structure Committee), referred to Appropriations.

**HB 125**, introduced by C. Younkin (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 126**, introduced by C. Younkin (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 127**, introduced by Wanzenried (by request of the Department of Transportation), referred to Transportation.

**HB 128**, introduced by Shockley (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**HB 129**, introduced by Bales (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 130**, introduced by Lawson (by request of the State Library Commission), referred to Local Government.

**HB 131**, introduced by Somerville (by request of the Department of Transportation), referred to Transportation.

**HB 132**, introduced by Brueggeman (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 133**, introduced by Lewis, referred to State Administration.

**HB 134**, introduced by Facey (by request of the Office of Public Instruction), referred to Education.

**HB 135**, introduced by Fisher, referred to Natural Resources.

**HB 136**, introduced by Fisher, referred to Business and Labor.

**HB 137**, introduced by Clancy, referred to Transportation.

**HB 138**, introduced by Mangan (by request of the Department of Commerce), referred to Business and Labor.

**HB 139**, introduced by Gallik, referred to Business and Labor.

**HB 140**, introduced by Masolo and Haines (by request of the Governor), referred to Education.

**HB 141**, introduced by Somerville, referred to Business and Labor.

**HB 142**, introduced by Somerville (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 143**, introduced by Somerville (by request of the Department of Revenue), referred to Business and Labor.

**HB 145**, introduced by Dale (by request of the Department of Commerce), referred to Business and Labor.

**HB 146**, introduced by Shockley (by request of the Department of Corrections), referred to Judiciary.

**HB 147**, introduced by Dale (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 148**, introduced by Jacobson (by request of the Department of Transportation), referred to Transportation.

**HB 149**, introduced by Dale (by request of the Department of Revenue), referred to Taxation.

**HB 150**, introduced by Bitney (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 151**, introduced by Newman (by request of the Department of Corrections), referred to Judiciary.

**HB 152**, introduced by Gallik (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 153**, introduced by Lenhart, referred to Transportation.

**HB 155**, introduced by Noennig, referred to Business and Labor.

**HB 156**, introduced by Matthews (by request of the Attorney General), referred to Judiciary.

**HB 157**, introduced by Gallus (by request of the Department of Corrections), referred to Judiciary.

**HB 158**, introduced by Harris, referred to Business and Labor.

**HB 159**, introduced by Vick (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2001

**HB 160**, introduced by Andersen (by request of the Office of Public Instruction), referred to Education.

**HB 161**, introduced by Lee (by request of the Office of Public Instruction), referred to Education.

**HB 162**, introduced by Jacobson (by request of the Office of Public Instruction), referred to Appropriations.

**HB 163**, introduced by Jacobson (by request of the Office of Public Instruction), referred to Appropriations.

**HB 164**, introduced by Olson (by request of the Office of Public Instruction), referred to Education.

**HB 165**, introduced by Gutsche (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**HB 166**, introduced by Lee (by request of the Department of Transportation), referred to Natural Resources.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 1**, introduced by McCann (by request of the Legislative Finance Committee), referred to Human Services.

**HJR 2**, introduced by Somerville (by request of the Revenue and Taxation Interim Committee), referred to Taxation.

**HJR 3**, introduced by Lee, referred to Transportation.

The following House resolution was introduced, read first time, and referred to committee:

**HR 1**, introduced by Sliter (by request of House Rules Standing Committee), referred to Rules.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, January 4, 2001. Motion carried.

House adjourned at 1:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SECOND LEGISLATIVE DAY**

Helena, Montana  
January 4, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Gilda Clancy. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 154**, introduced by McGee (by request of the Department of Transportation), referred to Business and Labor.

**HB 167**, introduced by Hedges, referred to State Administration.

**HB 168**, introduced by Wanzenried, referred to Judiciary.

**HB 169**, introduced by Wanzenried, referred to Judiciary.

**HB 170**, introduced by Wanzenried, referred to Judiciary.

**HB 171**, introduced by Wanzenried, referred to Judiciary.

**HB 172**, introduced by L. Holden, referred to Business and Labor.

**MOTIONS**

Representative Sliter moved **HB 27, HB 30, HB 55, HB 80** and **HB 83** be taken from the Committee on Judiciary and be rereferred to the Committee on Local Government. Motion carried.

Representative Sliter moved **HB 70** be taken from the Committee on State Administration and be rereferred to the Committee on Taxation. Motion carried.

Representative Sliter moved **HB 143** be taken from the Committee on Business and Labor and be rereferred to the Committee on Taxation. Motion carried.

Representative Sliter moved **HB 124** be taken from the Committee on Appropriations and be rereferred to the Committee on Local Government. Motion carried.

Representative Sliter moved **HB 91** be taken from the Committee on Judiciary and be rereferred to the Committee on State Administration. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Friday, January 5, 2001. Motion carried.

House adjourned at 1:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRD LEGISLATIVE DAY**

Helena, Montana  
January 5, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Adams. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas, Curtiss, Gallus, A. Peterson, and Witt, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Jill Lombardi, Helena  
Claire Bergkamp, Helena  
Travis Lake, Valier  
Daniel Woodward, Billings  
Ryli Clark, Helena  
Sara Walters, Hamilton

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 173**, introduced by Jent, referred to State Administration.  
**HB 174**, introduced by Jent, referred to Judiciary.  
**HB 175**, introduced by Jent (by request of the Attorney General), referred to Human Services.  
**HB 176**, introduced by Jent, referred to State Administration.  
**HB 177**, introduced by Keane, Clancy, Dale, Newman, Wanzenried, referred to Business and Labor.  
**HB 178**, introduced by Fisher, Keenan, referred to Human Services.  
**HB 179**, introduced by Dell, referred to Local Government.  
**HB 180**, introduced by Callahan, Gillan, Mangan, Laszloffy, Matthews, Whitaker, referred to Human Services.  
**HB 181**, introduced by Lewis, Barrett, referred to Education.  
**HB 182**, introduced by Newman, Jent, referred to Judiciary.  
**HB 183**, introduced by Juneau, referred to Human Services.  
**HB 184**, introduced by Gallus, Cocchiarella, Eggers, Harrington, Keane, Laslovich, McCarthy, Shea (by request of the Attorney General), referred to Judiciary.  
**HB 185**, introduced by Gallus, Buzzas, P. Clark, Fuchs, Golie, Gutsche, Harrington, Keane, Laslovich, Lindeen, Shea, Shockley, J. Tropila, C. Younkin, referred to Fish, Wildlife and Parks.  
**HB 186**, introduced by L. Holden, R. Holden, referred to Appropriations.  
**HB 187**, introduced by Mangan, referred to Judiciary.  
**HB 188**, introduced by E. Clark, Doherty, referred to Appropriations.  
**HB 189**, introduced by Eggers, Bixby, Gallus, Galvin-Halcro, Gutsche, Halligan, Hurdle, Juneau, Kaufmann, Kitzenberg, Lenhart, Pease, Smith, referred to Judiciary.  
**HB 190**, introduced by Witt, referred to Local Government.  
**HB 191**, introduced by Gallus, Beck, Cocchiarella, Eggers, Harrington, Keane, Laslovich, McCarthy, Shea (by request of the Attorney General), referred to Judiciary.  
**HB 192**, introduced by D. Mood, referred to Taxation.

**MOTIONS**

HOUSE JOURNAL  
THIRD LEGISLATIVE DAY - JANUARY 5, 2001

Representative Sliter moved **HB 51** be taken from the Committee on State Administration and be rereferred to the Committee on Business and Labor. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HJR 3**: Representatives Branae, D. Brown, Buzzas, P. Clark, Dell, Gallik, Hurdle, Laible, Laslovich, Laszloffy, Masolo, Musgrove, Olson, F. Smith, Story, Vick, Wanzenried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, January 6, 2001. Motion carried.

House adjourned at 1:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 6, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Rick Dale. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby, Curtiss, Gallus, Harris, and Juneau, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Vick, Chairman): 1/5/2001  
**HB 1**, do pass. Report adopted.  
**HB 17**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/5/2001  
**HB 52**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 193**, introduced by Smith, Eggers, Hedges, Kitzenberg, Lenhart, Tropila, referred to Education.  
**HB 194**, introduced by Bookout-Reinicke, referred to Business and Labor.  
**HB 195**, introduced by Wolery, Newman, referred to Judiciary.  
**HB 196**, introduced by Lee, referred to Judiciary.  
**HB 197**, introduced by Gallik, referred to Taxation.  
**HB 198**, introduced by Gallik, referred to Business and Labor.  
**HB 199**, introduced by Gallik, referred to Natural Resources.  
**HB 200**, introduced by Davies, Adams, Balyeat, Fuchs, Jackson, B. Thomas, Walters, referred to Judiciary.  
**HB 201**, introduced by Davies, Adams, Balyeat, Fuchs, Olson, Rice, Ripley, Waitschies, Walters, referred to Judiciary.  
**HB 202**, introduced by Davies, Adams, Balyeat, Fuchs, Olson, Ripley, Waitschies, Walters, referred to Judiciary.  
**HB 203**, introduced by Davies, Adams, Balyeat, Bitney, Dale, Hedges, Jackson, Steinbeisser, Waitschies, Walters, referred to Judiciary.  
**HB 204**, introduced by Bitney, referred to State Administration.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, January 8, 2001. Motion carried.

House adjourned at 8:10 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTH LEGISLATIVE DAY**

Helena, Montana  
January 9, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Monica Lindeen. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby, Eggers, Juneau, and Smith, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the first, second, third, and fourth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/9/2001  
Correctly printed: **HB 26, HB 34, SJR 1.**  
Correctly engrossed: **HB 17, HB 19, HB 52, HB 56, HR 1.**

**APPROPRIATIONS** (Vick, Chairman): 1/8/2001  
**HB 34**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):  
**HB 19**, introduced bill, be amended as follows: 1/8/2001

1. Page 2, line 6.

**Following:** "referee," on line 6

**Insert:** "umpire,"

And, as amended, do pass. Report adopted.

**HB 20**, introduced bill, be amended as follows: 1/9/2001

1. Page 1, line 20.

**Following:** "chapter"

**Insert:** "if the remuneration received by the election judge is less than \$1,000 in the calendar year"

And, as amended, do pass. Report adopted.

**HB 26**, do pass. Report adopted. 1/8/2001

**HB 56**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "CODE FOR"

**Insert:** "LOCAL GOVERNMENT"

HOUSE JOURNAL  
SIXTH LEGISLATIVE DAY - JANUARY 9, 2001

2. Title, line 5.

**Following:** "SERVICES;"

**Strike:** "ALLOWING" through "AND"

3. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 11.

**Following:** "service."

**Insert:** "(1)"

5. Page 1, line 13.

**Strike:** "(1)"

**Insert:** "(a)"

6. Page 1, line 14.

**Strike:** "(2)"

**Insert:** "(b)"

7. Page 1, line 16.

**Strike:** subsection (3) in its entirety

**Insert:** "(c) sell ambulance service insurance or contract with a third-party entity to sell ambulance service insurance to persons who use the ambulance service that covers the cost of the ambulance service that is not otherwise covered;"

8. Page 1, line 18.

**Strike:** "(4)"

**Insert:** "(d)"

9. Page 1.

**Following:** line 18

**Insert:** "(2) A county, city, or town that directly sells ambulance service insurance or that remains liable for the financial risk pursuant to insurance sold by a third party under contract with the county, city, or town is exempt from Title 33, except for the provisions provided in 33-18-201 and 33-18-242."

10. Page 2, line 25.

**Following:** "(10)"

**Strike:** remainder of line 25

**Insert:** "(a) Subject to 33-18-201 and 33-18-242, this code does not apply to insurance for ambulance services sold by a county, city, or town or to insurance sold by a third party if the county, city, or town is liable for the financial risk under the contract with the third party as provided in 7-34-103. (b) If the financial risk for ambulance service insurance is with an entity other than the county, city, or town, the entity is subject to the provisions of this code."

11. Page 2.

**Following:** line 25

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

HOUSE JOURNAL  
SIXTH LEGISLATIVE DAY - JANUARY 9, 2001

And, as amended, do pass. Report adopted.

**RULES** (Sliter, Chairman):

1/8/2001

**HR 1**, introduced bill, be amended as follows:

1. Page 12, line 24.

**Strike:** "copies"

**Insert:** "legislation"

2. Page 12, line 29.

**Strike:** "in duplicate"

And, as amended, do pass. Report adopted.

**SJR 1**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill concurred in and returned to the House:

1/8/2001

**SB 87**, introduced by Waterman

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 220**, introduced by Lawson, referred to Business and Labor.

**HB 221**, introduced by Witt, Tester, referred to Local Government.

**HB 222**, introduced by Lee, Buzzas, Lehman, referred to Human Services.

**HB 223**, introduced by Schmidt, Cyr, Gillan, Halligan, Wanzenried, referred to Judiciary.

**HB 224**, introduced by Hurdle, Bixby, Buzzas, Christiaens, Clancy, Eggers, Facey, Gutsche, Harris, Juneau, Kaufmann, Masolo, referred to Judiciary.

**HB 225**, introduced by Schmidt, Buzzas, Carney, R. Erickson, Facey, Fritz, Galvin-Halcro, referred to Taxation.

**HB 226**, introduced by Bales, Cole, Devlin, Hedges, R. Holden, Kitzenberg, Lenhart, Matthews, McNutt, referred to Appropriations.

**HB 227**, introduced by J. Tropila, Cocchiarella, Crismore, Cyr, Dale, Doherty, G. Forrester, Franklin, Gallus, Galvin-Halcro, Harrington, Jergeson, Keane, Kitzenberg, Laslovich, McCarthy, Nelson, Pease, Roush, Shea, Toole, referred to Appropriations.

**HB 228**, introduced by Fuchs, Facey, referred to Fish, Wildlife and Parks.

**HB 229**, introduced by K. Peterson, Bohlinger, D. Brown, Glaser, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 5**, introduced by Hurdle, Buzzas, Christiaens, Eggers, R. Erickson, Fritz, Galvin-Halcro, Gutsche, Kaufmann, Lee, referred to Federal Relations, Energy, and Telecommunications.

The following Senate bill was introduced, read first time, and referred to committee:

HOUSE JOURNAL  
SIXTH LEGISLATIVE DAY - JANUARY 9, 2001

**SB 87**, introduced by Waterman, referred to Local Government.

**MOTIONS**

Representative Sliter moved the House recess until 2:00 p.m., Tuesday, January 9, 2001 for caucuses.

House recessed at 1:17 p.m.

House reconvened at 2:00 p.m. Mr. Speaker in the chair. All members present, except Representatives Bixby, Eggers, Juneau, and Smith, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative D. Mood in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HR 1** - Representative Sliter moved HR 1 be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bixby, Eggers, Juneau, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**SJR 1** - Representative B. Thomas moved SJR 1 be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin,

HOUSE JOURNAL  
SIXTH LEGISLATIVE DAY - JANUARY 9, 2001

Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Eggers, Juneau, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman D. Mood moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bixby, Eggers, Juneau, Smith.

Total 4

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Lindeen requested on **HB 1**, 3<sup>rd</sup> reading yesterday, her vote be shown as yes. There being no objections, so ordered.

HOUSE JOURNAL  
SIXTH LEGISLATIVE DAY - JANUARY 9, 2001

Representative Whitaker requested on **HB 1**, 3<sup>rd</sup> reading yesterday, his vote be shown as yes. There being no objections, so ordered.

Representative Lehman requested on **HB 1**, 3<sup>rd</sup> reading yesterday, his vote be shown as yes. There being no objections, so ordered.

Representative Hurdle requested on **HB 1**, 3<sup>rd</sup> reading yesterday, her vote be shown as no. There being no objections, so ordered.

Representative Branae requested on **HB 1**, 3<sup>rd</sup> reading yesterday, his vote be shown as no. There being no objections, so ordered.

Representative Holden requested on **HB 1**, 3<sup>rd</sup> reading yesterday, her vote be shown as yes. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 103**: Bixby, Cyr, Glaser, Lawson, Lehman, Lenhart, Pattison, and Ripley.

The following cosponsor was added to **HB 106**: Matthews.

**MOTIONS**

Representative Sliter moved **HB 122** be taken from the Committee on Human Services and be rereferred to the Committee on Appropriations.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, January 10, 2001. Motion carried.

House adjourned at 1:26 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 10, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bookout-Reinicke. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/10/2001  
Correctly engrossed: HB 20, HR 1, SJR 1.  
Correctly enrolled: HR 1.  
Signed by the Speaker at 10:20 a.m., January 10, 2001: HR 1.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence: 1/9/2001

**SB 55**, introduced by Cole

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 230**, introduced by Price, referred to Business and Labor.  
**HB 231**, introduced by Lawson, referred to State Administration.  
**HB 232**, introduced by Lawson, Bixby, R. Brown, DePratu, Glaser, Kitzenberg, Laslovich, Lewis, Mahlum, Masolo, Olson, Ripley, Ryan, Schmidt, Somerville, Tash, referred to Education.  
**HB 233**, introduced by Newman, Bohlinger, Doherty, Ellingson, Facey, Gallik, Gallus, Gutsche, Halligan, Hurdle, Juneau, Kaufmann, Mangan, referred to Judiciary.  
**HB 234**, introduced by Lawson, Cocchiarella, Gallus, Taylor, referred to Business and Labor.  
**HB 235**, introduced by R. Brown (by request of the Secretary of State), referred to Business and Labor.  
**HB 236**, introduced by Himmelberger, referred to Taxation.  
**HB 237**, introduced by Carney, P. Clark, Elliott, R. Erickson, Gutsche, Hurdle, Laslovich, Masolo, Raser, Schrumpf, referred to Judiciary.  
**HB 238**, introduced by B. Thomas, referred to Judiciary.  
**HB 239**, introduced by B. Thomas, referred to State Administration.  
**HB 240**, introduced by McKenney, referred to Appropriations.  
**HB 241**, introduced by B. Thomas, referred to State Administration.  
**HB 242**, introduced by R. Brown, referred to Federal Relations, Energy, and Telecommunications.  
**HB 243**, introduced by Dee Brown, Adams, Balyeat, Barrett, Carney, Curtiss, Davies, Jackson, Laszloffy, Lehman, K. Peterson, Ripley, Schrumpf, Smith, Vick, Whitaker, referred to Legislative Administration.  
**HB 244**, introduced by R. Erickson, Buzzas, Cocchiarella, Cyr, Ellingson, Halligan, Harris, Toole, referred to Appropriations.  
**HB 245**, introduced by Gallik, Christiaens, Doherty, Ellingson, Facey, Franklin, Gallus, Gillan, Golie, Harrington, Juneau, Kaufmann, Kitzenberg, Mangan, Roush, Shea, Toole, Wanzenried, referred to Business and Labor.

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

**HB 246**, introduced by Bales, Andersen, Barrett, Beck, Butcher, Clancy, E. Clark, Cole, Curtiss, Dale, Davies, Devlin, Ekegren, Ellis, Esp, Hedges, R. Holden, Jayne, Kasten, Laible, Lenhart, McCann, Nelson, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Steinbeisser, Story, Tash, Tester, B. Thomas, J. Tropila, Waitschies, Wanzenried, Witt, Wolery, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 19** - Representative Lenhart moved HB 19 do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 20** - Representative Shockley moved HB 20 do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 26** - Representative E. Clark moved HB 26 do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Dell, Hurdle, McCann.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 34** - Representative Gallik moved HB 34 do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Hurdle.

Total 1

Excused: None.

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 56** - Representative Lawson moved HB 56 do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Davies, Gutsche, Harris, Hurdle, Kasten, Laslovich, Lee, Price, Shockley, Story.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Holden, Price, Shockley.

Total 3

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 17** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bixby, Davies, Holden.

Total 3

**HB 52** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Adams, Ripley.

Total 2

Excused: None.

Total 0

Absent or not voting: Carney, Davies.

Total 2

**SJR 1** concurred in as follows:

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 1:35 p.m. for the joint session to receive the Honorable U.S. Senator Conrad Burns. Motion carried.

Majority Leader Sliter moved that following the joint session, the House adjourn and reconvene at 1:00 p.m., Thursday, January 11, 2001. Motion carried.

House recessed at 1:28 p.m.

**SPECIAL ORDERS OF THE DAY**

House reconvened at 1:38 p.m. Mr. Speaker in the chair. Quorum present.

Sergeant-at-Arms Ahner escorted the Senate into the House Chambers.

Speaker McGee introduced President Beck and yielded the chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Senator, the Honorable Conrad Burns. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee of six to notify the Honorable U.S. Senator Burns that the House was in joint session and ready to receive his address. Motion carried.

President Beck appointed Senators McNutt, Shea, and Sprague and Representatives R. Brown, Tropila, and Younkin and discharged them to escort the Honorable U.S. Senator to the House Chamber.

Sergeant-at-Arms Cramer announced that the committee was ready to escort U.S. Senator Conrad Burns into the

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

House.

U.S. Senator Conrad Burns was escorted to the rostrum by the escort committee.

Pastor Keith Johnson of the Evangelical Covenant Church gave the Invocation.

After being presented to the members of both houses by President Beck, Montana's U.S. Senator the Honorable Conrad Burns delivered the following address:

Congratulations on your election to the Montana House and the Senate. Thank you for serving our state in these halls. You are the latest edition of those who have gone before us. To those who are here for the first time, welcome and good luck to you. Your learning curve will turn up sharply—but knowing a little bit about the folks who seek public office and are successful, you will be up to it.

I can recall the Wednesday after the first Tuesday after the first Monday in November 1988. In the first place, my wife would not believe that we had won until she read it in the newspaper that morning. Can you imagine that! It did not take long for reality to set in. I had 2 years of experience as a county commissioner in Yellowstone County, and I was in deep trouble. I called on a friend - one who was serving in this body - Jack Ramirez. From that point on, through the 101<sup>st</sup> Congress, it was like trying to drink from a fire hydrant.

Harry Truman had a quote that after being elected to the U. S. Senate, he spent the first months trying to find out how he got there. Then he said, “I spent the next 6 months trying to figure out how everybody else got there...”

Again, I welcome you to the legislative process. Again I thank you for caring about our state enough to place your name and ego on a ballot. There are those who will not - they are just like old hounds that set on a burr and would rather growl about it than get up and move.

There are generations of young folks who are yet to come, that will be affected by what we do here today. After all, isn't that the reason we are all here. We have always been a society who have worked for the next generation, and we still are. We have seen 8 years of unprecedented economic growth in America. It is true that rural states like our own have not enjoyed the degree of growth that other areas of the country have. We were light years away from being in any kind of position to take advantage of the new economy. Today, we have made great strides and we have just seen the tip of the iceberg in our transition to that new economy.

How we learn and how we manage health care in rural areas are changing and will continue to change. But, we are reminded everyday of the importance of our traditional resource based economy, which has sustained us throughout the years. The old and the new can co-exist, and we cannot transition without our traditional industries.

We have a crisis that is of historic proportions. No one here today has ever experienced anything like it – it is energy—it is electricity—it is natural gas—it is oil—it is coal. It is how we irrigate our crops, deliver our state's great agriculture production, how we receive the goods and services. In other words, our surface and air transportation. It is how we make our living. It is a challenge that must be met, as affordable energy has more to do with economic growth than any other factor of our every day life.

At this very moment, there is one law in this country that is working. It is the law of supply and demand. I have always believed that Montana will remain an energy producing state. Clearly we have the resources to help power America's economy and capture the financial advantage of doing so while investing in our local communities.

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

We must do more with electricity in our homes. I just returned from attending the consumer electronics association and believe me, the direction we are demanding our appliances to do for us, what we expect our computers to do and what we are demanding on how we entertain ourselves - is it any wonder we have outstripped our ability to generate enough power to satisfy the demand.

It is in times like these we call for conservation, but conservation alone cannot head off this crisis. We can, and will, get serious about conservation. We did it when our gas supplies were threatened some 25 years ago. We conserved. We also accelerated our exploration and lifting capabilities. We were way too successful in our capabilities to explore, find, and produce.

We simply have outgrown our supply and delivery system. The American economy is slowing and it is clear to me the high cost of energy is the determining factor. No segment of the American economy has so much effect on all other segments like affordable energy.

Are there immediate solutions to this crisis? No, there is not, but the American people are not convinced that we are in a true shortage of electrical power. They are not convinced that we cannot generate enough to satisfy the demand. I am convinced when I look at our present day generation capabilities—also our ability to distribute and deliver. We must meet the challenge. We have no other choice.

If we are serious about the working families in Montana who look to us for policies that provide the jobs and economic opportunities, then we need to look at the real world. If we are serious about protecting the most vulnerable among us, our working poor and our elderly, then we need to look at the real world. First of all, Montana has always been an energy producing state. We must assume that leadership once again. We can supply what it takes to power America's economy.

While doing so, we are taking advantage of the financial resources it takes to pay for our schools, our demand for government services, in public safety, in the transportation infrastructure, and the building of a new infrastructure for a new economy and a new brighter future.

The investment costs of siting have sky rocketed. Those costs can be the difference between a new generation or a crisis. The environment is important and no one here would advocate doing anything in a irresponsible manner. Oil and gas development have seen technological advances that greatly reduce the surface impact associated with production - clean coal advances have greatly reduced emissions and are on the verge of being feasible allowing us to utilize Montana's great reserves.

Looking to the future, fuel cell development is coming closer to reality and the money I have earmarked for fuel cell development here in Montana, places the state in a great position to lead the revolution, or as some would put it, this evolution of energy development. Ethanol development has been slow, but we know it will be part of the energy mix of the future. Solar and wind power will also be part of that, and who better to lead the way than Montana.

The latest actions taken by the federal government on forest lands is just one example of how wrong thinking has dealt a fatal blow to us here in Montana on forest health and the forest products industry. It goes way beyond just the forest products industry. It goes to the siting of communications towers necessary for wireless broadband services - and crossing those lands with fiber to serve rural and remote areas.

These actions destroy any opportunity to bring new services and new opportunities to remote areas of Montana.

We have just passed legislation that will enable low power television spectrum to be used to deploy wireless

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 10, 2001

broadband services to rural areas where we have a lot of dirt between light bulbs.

Just because you are a kid, born in one of our many small communities in Montana, does not mean that where you live should determine the quality of education and medical care received.

President Beck asked the committee to escort U.S. Senator Burns from the House Chamber.

Senator Thomas moved the joint session be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

House adjourned at 2:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTH LEGISLATIVE DAY**

Helena, Montana  
January 11, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Keane . Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Kasten, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/11/2001  
Correctly printed: **HB 19, HB 20, HB 26, HB 34, HB 56, HB 141.**  
Correctly engrossed: **HB 84, HB 117.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/10/2001  
**HB 84**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "COMPANIES"

**Insert:** "AND INTEREXCHANGE CARRIERS"

2. Page 1.

**Following:** line 18

**Insert:** "(4) "Interexchange carrier" means a telecommunications carrier that provides interstate or intrastate long-distance services."

**Renumber:** subsequent subsections

3. Page 2, line 25.

**Following:** "companies"

**Insert:** "and interexchange carriers"

4. Page 3, line 17.

**Following:** "companies"

**Insert:** "and interexchange carriers to the extent not otherwise prohibited or limited by applicable federal law or Montana public service commission regulations"

5. Page 3, line 21.

**Following:** "companies"

**Insert:** "and interexchange carriers"

6. Page 4, line 5.

**Following:** "companies"

**Insert:** "and interexchange carriers to the extent not otherwise prohibited or limited by applicable federal law or Montana public service commission regulations"

And, as amended, do pass. Report adopted.



HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2001

**HB 141**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

1/10/2001

**HB 39**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/10/2001

**HB 29**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

**Strike:** "AN INTERNAL" on line 5 through "SECTION" on line 7

**Insert:** "CONFLICTS IN THE LAW AND CLARIFYING THE RIGHTS AND DUTIES OF A LANDLORD AND TENANT WITH REGARD TO THE RETURN OF THE SECURITY DEPOSIT OF A DEPARTING TENANT; AND AMENDING SECTIONS 70-25-202 AND"

2. Page 1, line 25.

**Strike:** section 1 in its entirety

**Insert:** ""Section 1. Section 70-25-202, MCA, is amended to read:

**"70-25-202. List of damages and refund -- delivery to departing tenant.** (1) Every landlord, within 30 days subsequent to the termination of a tenancy or within 30 days subsequent to a surrender and acceptance of the leasehold premises, whichever occurs first, shall provide the departing tenant with a written list of any rent due and any damage and cleaning charges, brought after the provisions of 70-25-201 have been followed, with regard to the leasehold premises that the landlord alleges are the responsibility of the tenant. Delivery of such the list shall must be accompanied by payment of the difference, if any, between the security deposit and the permitted charges set forth in 70-25-201. Delivery shall must be accomplished by mailing the list and refund to the tenant's last-known address or the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address.

(2) If after inspection there are no damages to the premises, no cleaning required, and no rent unpaid and if the tenant can demonstrate that no utilities are unpaid by the tenant, the landlord shall return the security deposit within 10 days by mailing it to the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address.

(3) It is not a wrongful withholding of security deposit funds if the landlord mails the funds to the last-known address of a tenant who has departed and the tenant does not receive the funds because the tenant has not given the landlord the tenant's new address, but the landlord remains liable to the tenant for the amount due the tenant."

**Insert:** "Section 2. Section 70-25-205, MCA, is amended to read:

**"70-25-205. Failure of departing tenant to furnish new address.** Failure by the departing tenant to provide the landlord with a new address in writing upon termination of the tenancy or upon surrender and acceptance of the leasehold premises, whichever occurs first, ~~relieves the landlord from liability as imposed by 70-25-204. The failure may not, however,~~ does not bar the tenant from recovering the ~~actual~~ amount owing to the tenant by the landlord."

And, as amended, do pass. Report adopted.

**HB 104**, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11

**Strike:** "PROVIDING" on line 10 through "PRONOUNCEMENT;" on line 11

2. Page 1, line 20.

**Following:** "record."

**Insert:** "At the time that the judgment is entered on the record, the court shall give the defendant a copy of the

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2001

judgment and a copy of subsection (2)."

3. Page 1, line 24.

**Following:** "pronouncement"

**Insert:** "at a hearing, and the defendant must be present at the hearing unless the defendant waives the right to be present"

4. Page 1, line 26.

**Following:** "judgment"

**Insert:** "in the sentencing court"

5. Page 1, line 27 through line 28.

**Strike:** subsection (3) in its entirety

6. Page 2, line 1.

**Strike:** "Except" through "the"

**Insert:** "The"

7. Page 2, line 3.

**Following:** "court."

**Insert:** "An erroneous sentence or erroneous disposition is one that is erroneous as a matter of law."

And, as amended, do pass. Report adopted.

**HB 117**, introduced bill, be amended as follows:

1/9/2001

1. Page 1, line 19.

**Strike:** "the"

**Insert:** "a"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

1/11/2001

**HB 25**, do pass. Report adopted.

**HB 112**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committee:

**HB 247**, introduced by Lewis, Cocchiarella, Cole, Crismore, Ekegren, Fisher, Forrester, Fuchs, Kitzenberg, Lindeen, Matthews, Mood, Shea, Steinbeisser, Wanzenried, referred to Taxation.

**HB 248**, introduced by Tropila, E. Clark, Galvin-Halcro, Gillan, Lenhart, Shea, Story, Witt, referred to Taxation.

**HB 249**, introduced by Laslovich, Harrington, Kitzenberg, Lawson, Lewis, Mahlum, Mood, Olson, Ripley, Tash, Tester, Wanzenried, referred to Education.

**HB 250**, introduced by Balyeat, Adams, Barrett, Bitney, D. Brown, Butcher, Clancy, Curtiss, Dale, Davies, Esp, Fuchs, Hedges, Jackson, Kasten, Laible, O'Neil, Pattison, A. Peterson, K. Peterson, Schruppf, Sliter, Vick, Waddill, Walters, Wells, referred to Judiciary.

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2001

**HB 251**, introduced by Keane, Fritz, Newman, Olson, Raser, Rome, Wanzenried, referred to State Administration.  
**HB 252**, introduced by Davies, Adams, Fisher, Haines, Pattison, A. Peterson, Rice, Wells, referred to Judiciary.  
**HB 253**, introduced by Davies, Adams, Curtiss, A. Peterson, Rice, B. Thomas, Walters, Wells, Vick, referred to Natural Resources.  
**HB 254**, introduced by Davies, Adams, Fisher, Haines, Lewis, Pattison, A. Peterson, Rice, Wells, referred to Judiciary.  
**HB 255**, introduced by Harris, referred to Business and Labor.  
**HB 256**, introduced by Younkin, Newman, referred to Judiciary.  
**HB 257**, introduced by Younkin, referred to Local Government.  
**HB 258**, introduced by Vick, Cyr, Davies, Fuchs, Golie, Wells, Zook, referred to Fish, Wildlife and Parks.  
**HB 259**, introduced by Mood, referred to Natural Resources.  
**HB 260**, introduced by Mood, referred to Natural Resources.  
**HB 261**, introduced by Jent, Branae, Callahan, Laslovich, Newman, Raser (by request of the Attorney General), referred to Judiciary.  
**HB 262**, introduced by Walters, Adams, D. Brown, Curtiss, Davies, Hedges, L. Holden, Jackson, Laible, Lehman, Shockley, B. Thomas, Waddill, Wells, Wolery, referred to Judiciary.  
**HB 263**, introduced by Jent, referred to Judiciary.  
**HB 264**, introduced by Lewis, Sliter, referred to Fish, Wildlife and Parks.  
**HB 265**, introduced by Facey, Mahlum, K. Peterson, referred to Education.  
**HB 266**, introduced by Clancy, Adams, Balyeat, Barrett, Brueggeman, Davies, Lewis, Masolo, Sliter, referred to Judiciary.  
**HB 267**, introduced by Juneau, Bixby, Buzzas, Cyr, Doherty, Eggers, Jayne, Kaufmann, Mangan, Pease, Smith, referred to Education.  
**HB 268**, introduced by Ripley, Christiaens, Jacobson, Kitzenberg, Lehman, Lenhart, McNutt, Newman, Olson, B. Thomas, Tropila, Whitaker, Wolery, referred to Education.  
**HB 269**, introduced by Carney, Buzzas, P. Clark, Cocchiarella, Cyr, Fritz, Galvin-Halcro, Jent, Schmidt, Tropila, referred to Human Services.  
**HB 270**, introduced by Wanzenried, Bohlinger, Buzzas, Carney, Fritz, Galvin-Halcro, Kitzenberg, Laslovich, Mahlum, Musgrove, referred to Taxation.  
**HB 271**, introduced by Jayne, Bixby, Christiaens, Cocchiarella, Erickson, Forrester, Golie, Halligan, Jacobson, Juneau, Mangan, Pease, Raser, Roush (by request of the Attorney General), referred to Federal Relations, Energy, and Telecommunications.  
**HB 272**, introduced by Olson, Dale, Davies, Fuchs, Lehman, McGee, Miller, Pattison, A. Peterson, K. Peterson, Ripley, Schrupf, Sliter, Walters, referred to Education.  
**HB 273**, introduced by Erickson, Bishop, Bohlinger, Buzzas, Christiaens, Fritz, Galvin-Halcro, Gutsche, Halligan, Kaufmann, Wanzenried, Waterman, referred to Human Services.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 19** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood,

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2001

Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

**HB 20** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby.

Total 1

**HB 26** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Hurdle.  
Total 1

Voted Absentee: Kasten, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 34** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Kasten, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 56** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 11, 2001

Noes: Davies, Gutsche, Harris, Hurdle, Kasten, Price, Shockley, Story.  
Total 8

Voted Absentee: Kasten, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Noennig requested on **HB 17**, third reading yesterday, his vote be shown as yes. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 62**: McKenney, Sprague, and Tester.

The following cosponsors were added to **HB 164**: Bixby, Cyr, Lawson, Lehman, Lenhart, Pattison, Ripley, and Ryan.

The following cosponsors were added to **HB 165**: Bixby, Cobb, Doherty, Eggers, Grosfield, Halligan, Jayne, Juneau, and Smith.

The following cosponsors were added to **HJR 3**: Bohlinger, Grosfield, Hargrove, Mahlum, and Miller.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Friday, January 12, 2001. Motion carried.

House adjourned at 1:16 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
NINTH LEGISLATIVE DAY**

Helena, Montana  
January 12, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Lenhart. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas, A. Peterson, and Witt, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Dan Lynn, Helena  
Brian Dale, Twin Bridges  
Jennifer Oliphant, Roberts  
Erika Olson, Roundup  
Donna Gebhardt, Roundup  
Jen Jordan, Polson  
Becky Gaul, Victor  
Casey Halcro, Great Falls

**COMMUNICATIONS AND PETITIONS**

Speaker McGee appointed the following representatives to the Legislative Consumer Committee:

Representative Dell  
Representative Brown

Speaker McGee appointed the following representatives to the Legislative Consulting Panel to Microbusiness Advisory Council:

Representative Himmelberger  
Representative Gallik

Speaker McGee appointed the following representatives to the Electric Utility Restructuring Transition Advisory Committee:

Representative Brown  
Representative Fisher  
Representative Olson  
Representative Dell  
Representative Schmidt  
Representative Gallus

Speaker McGee appointed the following representatives to the Legislative Finance Committee:

Representative Witt  
Representative Lewis  
Representative Kasten  
Representative McCann

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

Representative Buzzas  
Representative Tropila

Speaker McGee appointed the following representatives to the Legislative Audit Committee:

Representative Vick  
Representative Haines  
Representative Pattison  
Representative Wanzenried  
Representative Jacobson  
Representative Eggers

Speaker McGee appointed the following representatives to the Environmental Quality Council:

Representative Dale  
Representative Mood  
Representative Younkin  
Representative Harris  
Representative Lindeen  
Representative Clark

Speaker McGee appointed the following representatives to the Legislative Council:

Representative McGee  
Representative Mood  
Representative Sliter  
Representative Gillan  
Representative Golie  
Representative Newman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/12/2001  
Correctly printed: **HB 25, HB 39, HB 51, HB 87, HB 112, HB 115.**  
Correctly engrossed: **HB 29, HB 71, HB 98, HB 104.**

**AGRICULTURE** (Hedges, Chairman): 1/11/2001  
**HB 113**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "PURPOSES;"

**Insert:** "CHANGING THE REQUIREMENT FOR WRITTEN NOTICE TO THE COMMISSION MEMBERS, WITH REGARD TO MEETINGS, FROM 14 DAYS TO 7 DAYS;"

2. Page 5, line 25.

**Strike:** "14"

**Insert:** "7"



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/11/2001

**HB 51**, do pass. Report adopted.

**HB 71**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS 39-3-406 AND"

2. Page 1.

**Following:** line 9

**Insert:** "Section 1. Section 39-3-406, MCA, is amended to read:

**"39-3-406. Exclusions.** (1) The provisions of 39-3-404 and 39-3-405 do not apply with respect to:

(a) students participating in a distributive education program established under the auspices of an accredited educational agency;

(b) persons employed in private homes whose duties consist of menial chores, such as babysitting, mowing lawns, and cleaning sidewalks;

(c) persons employed directly by the head of a household to care for children dependent upon the head of the household;

(d) immediate members of the family of an employer or persons dependent upon an employer for half or more of their support in the customary sense of being a dependent;

(e) persons who are not regular employees of a nonprofit organization and who voluntarily offer their services to a nonprofit organization on a fully or partially reimbursed basis;

(f) persons with disabilities engaged in work that is incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are unable to engage in competitive employment;

(g) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 30 days of their employment;

(h) learners under the age of 18 who are employed as farm workers, provided that the exclusion may not exceed 180 days from their initial date of employment and further provided that during this exclusion period, wages paid the learners may not be less than 50% of the minimum wage rate established in this part;

(i) retired or semiretired persons performing part-time incidental work as a condition of their residence on a farm or ranch;

(j) an individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined by regulations of the commissioner;

(k) an individual employed by the United States of America;

(l) resident managers employed in lodging establishments or personal care facilities who, under the terms of their employment, live in the establishment or facility;

(m) an outside salesperson or marketing representative paid on a commission, contract, or salary basis who is primarily employed in selling or marketing products or services in the food distribution industry for a food broker, wholesaler, or association;

(n) a direct seller as defined in 26 U.S.C. 3508;

(o) a person placed as a participant in a public assistance program authorized by Title 53 into a work setting for the purpose of developing employment skills. The placement may be with either a public or private employer. The exclusion does not apply to an employment relationship formed in the work setting outside the scope of the employment skills activities authorized by Title 53.

(p) a person serving as a foster parent, licensed as a foster care provider in accordance with 41-3-1141, and providing care without wage compensation to no more than six foster children in the provider's own residence. The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure and

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

recreational activities, and providing for other needs and activities arising in the provision of in-home foster care.

(q) an employee employed in domestic service employment to provide live-in companionship services, as defined in 29 CFR 552.6, for individuals who, because of age or infirmity, are unable to care for themselves as provided under section 213(a)(15) of the Fair Labor Standards Act (29 U.S.C. 213).

(2) The provisions of 39-3-405 do not apply to:

(a) an employee with respect to whom the United States secretary of transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 31502;

(b) an employee of an employer subject to 49 U.S.C. 10501 and 49 U.S.C. 60501, the provisions of part I of the Interstate Commerce Act;

(c) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;

(d) an outside salesperson paid on a commission or contract basis who is primarily employed in selling advertising for a newspaper;

(e) a salesperson, parts person, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, farm implements, or replacement parts if the salesperson, parts person, or mechanic is employed by a nonmanufacturing establishment primarily engaged in the business of selling the vehicles, implements, or replacement parts to wholesalers or ultimate purchasers;

(f) a salesperson primarily engaged in selling trailers, boats, or aircraft if the salesperson is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;

(g) an outside salesperson paid on a commission or contract basis who is primarily employed in selling office supplies, computers, or other office equipment for an office equipment dealer;

(h) a salesperson paid on a commission or contract basis who is primarily engaged in selling advertising for a radio or television station employer;

(i) an employee employed as a driver or driver's helper making local deliveries who is compensated for the employment on the basis of trip rates or other delivery payment plan if the commissioner finds that the plan has the general purpose and effect of reducing hours worked by the employees to or below the maximum workweek applicable to them under 39-3-405;

(j) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways that are not owned or operated for profit, that are not operated on a sharecrop basis, and that are used exclusively for supply and storing of water for agricultural purposes;

(k) an employee employed in agriculture by a farmer, notwithstanding other employment of the employee in connection with livestock auction operations in which the farmer is engaged as an adjunct to the raising of livestock, either alone or in conjunction with other farmers, if the employee is:

(i) primarily employed during a workweek in agriculture by a farmer; and

(ii) paid for employment in connection with the livestock auction operations at a wage rate not less than that prescribed by 39-3-404;

(l) an employee of an establishment commonly recognized as a country elevator, including an establishment that sells products and services used in the operation of a farm if no more than five employees are employed by the establishment;

(m) a driver employed by an employer engaged in the business of operating taxicabs;

(n) an employee who is employed with the employee's spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in the institution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as the employee and the employee's spouse reside in the facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000;

(o) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by the employer in the forestry or lumbering operations does not exceed eight;

(p) an employee of a sheriff's department who is working under an established work period in lieu of a

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

workweek pursuant to 7-4-2509(1);

(q) an employee of a municipal or county government who is working under a work period not exceeding 40 hours in a 7-day period established through a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 40 hours in a 7-day, 40-hour work period must be compensated at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(r) an employee of a hospital or other establishment primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work period not exceeding 80 hours in a 14-day period established through either a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 8 hours a day or 80 hours in a 14-day period must be compensated for at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(s) a firefighter who is working under a work period established in a collective bargaining agreement entered into between a public employer and a firefighters' organization or its exclusive representative;

(t) an officer or other employee of a police department in a city of the first or second class who is working under a work period established by the chief of police under 7-32-4118;

(u) an employee of a department of public safety working under a work period established pursuant to 7-32-115;

(v) an employee of a retail establishment if the employee's regular rate of pay exceeds 1 1/2 times the minimum hourly rate applicable under section 206 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) and if more than half of the employee's compensation for a period of not less than 1 month is derived from commissions on goods and services;

(w) a person employed as a guide, cook, camp tender, or livestock handler by a licensed outfitter as defined in 37-47-101;

(x) an employee employed as a radio announcer, news editor, or chief engineer by an employer in a second- or third-class city or a town;

(y) an employee of the consolidated legislative branch as provided in 5-2-503;

(z) an employee of state government employed as a firefighter or law enforcement officer as allowed under the Fair Labor Standards Act of 1938 and regulations found at 29 CFR 553.210 and 29 CFR 553.211;

(aa) an employee of the state or its political subdivisions employed, at the employee's option, as an occasional or part-time employee in a capacity other than the employee's regular occupation. Only the hours that the employee was employed in a capacity other than the employee's regular occupation may be excluded from the calculation of hours to determine overtime compensation."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 87**, do pass. Report adopted.

**HB 98**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PANEL;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 2, line 26.

**Strike:** "Fund transfer"

**Insert:** "Appropriation"

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

3. Page 2, lines 27 and 28.

**Following:** "12, the" on line 27

**Strike:** "state" on line 27 through "27-12-206" on line 28

**Insert:** "balance is appropriated, in an amount not to exceed \$50,000, to the Montana chiropractic legal panel provided for in 27-12-104"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/11/2001

**HB 115**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

**HB 111**, do pass. Report adopted.

1/11/2001

**HB 130**, introduced bill, be amended as follows:

1/12/2001

1. Title, page 1, line 5 through line 6.

**Strike:** "CREATING" on page 1, line 5 through "LIBRARIES;" on line 6

2. Title, page 1, lines 14 and 15.

**Strike:** "22-1-330," on line 14

**Strike:** "22-1-327," on line 15

3. Page 1, line 19 through page 2, line 6.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/12/2001

**HB 44**, do pass. Report adopted.

**TAXATION** (Story, Chairman):

1/11/2001

**HB 36**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 274**, introduced by Fisher, Bookout-Reinicke, E. Clark, Davies, Haines, Hedges, Jayne, Lawson, Pattison, Tash, B. Thomas, Whitaker, referred to Taxation.

**HB 275**, introduced by K. Peterson, Bohlinger, Mangan, referred to Local Government.

**HB 276**, introduced by K. Peterson, Noennig, referred to Judiciary.

**HB 277**, introduced by Masolo, Lewis, referred to Taxation.

**HB 278**, introduced by Callahan, Christiaens, Newman, Tramelli, referred to Judiciary.

**HB 279**, introduced by McKenney, E. Clark, Cocchiarella, Doherty, Erickson, Gallus, Gillan, Haines, Halligan, Harrington, Hedges, Jent, Lenhart, Mahlum, Mangan, Nelson, Shea, Tash, B. Thomas, Waterman, referred to Business and Labor.

**HB 280**, introduced by Hedges, referred to Agriculture.

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

**HB 281**, introduced by Lindeen, Brueggeman, Cyr, Dell, Mangan, Ryan, Shockley, Stonington, referred to State Administration.

**HB 282**, introduced by Laszloffy, Andersen, Balyeat, Barrett, D. Brown, Clancy, Dale, Esp, Fuchs, Laible, Lehman, Lewis, Miller, Pattison, A. Peterson, Rice, Ripley, Rome, Schrumpf, Waitschies, referred to Fish, Wildlife and Parks.

**HB 283**, introduced by Haines, Curtiss, Fisher, Fuchs, Sliter, referred to State Administration.

**HB 284**, introduced by Bitney, referred to State Administration.

**HB 285**, introduced by Bitney, referred to Local Government.

**HB 286**, introduced by B. Thomas, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 25** - Representative Sliter moved **HB 25** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Buzzas, Witt, Ayes.

Excused: A. Peterson.

Total 1

Absent or not voting: None.

Total 0

**HB 29** - Representative Noennig moved **HB 29** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 39** - Representative Fuchs moved **HB 39** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: McCann.

Total 1

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 84** - Representative Schmidt moved **HB 84** do pass. Motion carried as follows:

Ayes: Barrett, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Olson, Raser, Rice, Ripley, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery.

Total 58

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

Noes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Lehman, Lewis, McKenney, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 41

Voted Absentee: Buzzas, Aye; A. Peterson, Witt, Noes.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 104** - Representative P. Clark moved **HB 104** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 112** - Representative Brueggeman moved **HB 112** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

Noes: Balyeat, R. Brown, Cyr, Erickson, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Mangan, Rice, Sliter.  
Total 13

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 117** - Representative Andersen moved **HB 117** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Esp, Facey, Forrester, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Laible, Laslovich, Laszloffy, Lawson, Lehman, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Adams, Bales, Balyeat, Barrett, Bixby, R. Brown, Brueggeman, Cyr, Davies, Devlin, Eggers, Erickson, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Juneau, Kasten, Kaufmann, Keane, Lee, Lenhart, Lewis, Lindeen, Masolo, Pattison, Rome, Sliter, Story, Tropila, Vick, Waitschies, Wanzenried.  
Total 37

Voted Absentee: Buzzas, Clancy, A. Peterson, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 141** - Representative Somerville moved **HB 141** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

Voted Absentee: Buzzas, Clancy, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman C. Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Mr. Speaker.

Total 90

Noes: None.

Total 0

Excused: Buzzas, A. Peterson, Witt.

Total 3

Absent or not voting: Clancy, Fritz, Gallik, Hedges, Noennig, Tropila, Younkin.

Total 7

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

1/12/2001

**HB 138**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ACCOUNT;"

**Insert:** "PROVIDING THAT THE MONTANA DEFERRED DEPOSIT LOAN ACT DOES NOT APPLY TO COLLECTION AGENCIES;"

2. Title, page 1, line 9.

**Following:** "31-1-703,"

**Insert:** "31-1-704,"

3. Page 2, following line 4.

**Insert:** "Section 2. Section 31-1-704, MCA, is amended to read:

**"31-1-704. Scope.** (1) This part applies to deferred deposit lenders and to persons who facilitate, enable, or

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

act as a conduit for persons making deferred deposit loans.

(2) This part does not apply to:

(a) banks, savings and loan associations, credit unions, or other state or federally regulated financial institutions; ~~or~~

(b) retail sellers who cash checks incidental to or independent of a sale and who do not charge more than \$2 per check for the service; or

(c) a collection agency licensed to do business in this state that has entered into an agreement with a deferred deposit lender for the collection of claims owed or due or asserted to be owed or due the deferred deposit lender."

**Renumber:** subsequent sections

4. Page 7, lines 22 and 24.

**Strike:** "3"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**HB 150**, do pass. Report adopted.

**HB 154**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "systems NAD 27 and"

**Insert:** "system"

2. Page 1, line 15 through line 17.

**Following:** "been" on line 15

**Strike:** remainder of line 15 through "been" on line 17

3. Page 1, line 18.

**Strike:** "stations"

**Insert:** "points"

**Strike:** "in"

**Insert:** "as part of"

**Strike:** "network of geodetic control"

**Insert:** "spatial reference system"

4. Page 1, line 19 through line 23.

**Following:** "boundaries." on line 19

**Strike:** remainder of line 19 through line 23 in their entirety

**Insert:** "Public land or deed records presented for recording that purport to define the position of a point on a land boundary based on coordinates from the Montana coordinate system NAD 83 must contain a statement that identifies both the first-order or higher accuracy control stations used in the survey and the specific NAD 83 datum adjustment tag of the coordinates used."

And, as amended, do pass. Report adopted.

**HB 155**, introduced bill, be amended as follows:

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 12, 2001

1. Title, line 8.

**Following:** ";"

**Insert:** "AND"

2. Title, line 9.

**Following:** "71-1-304, MCA"

**Strike:** ";" through "MCA"

3. Page 3, line 4.

**Strike:** section 5 in its entirety

And, as amended, do pass. Report adopted.

**HB 172**, do pass. Report adopted.

**MOTIONS**

Representative Vick requested on **HB 19, 20, 26, 34, and 56**, third reading yesterday, his vote be shown as yes. There being no objections, so ordered.

Representative Jent requested on **HB 104**, second reading today, his vote be shown as yes. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 108**: Bixby, Galvin-Halcro, Harris, Hedges, Lawson, Mahlum, Masolo, Musgrove, Olson, A. Peterson, Ripley, Walters, Wolery, and Younkin.

The following cosponsors were added to **HB 110**: Bixby, Ellis, Facey, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Lawson, Lee, Mahlum, Masolo, McKenney, Musgrove, Nelson, Olson, A. Peterson, Ripley, Ryan, Walters, Wolery, and Younkin.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, January 13, 2001. Motion carried.

House adjourned at 2:31 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TENTH LEGISLATIVE DAY**

Helena, Montana  
January 13, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Walters. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, and Waddill, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

1/13/2001

Correctly printed: **HB 29, HB 36, HB 44, HB 84, HB 104, HB 111, HB 113, HB 117, HB 130, HB 138, HB 150, HB 155, HB 154, HB 172.**

Correctly engrossed: **HB 25, HB 39, HB 112, HB 141.**

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 287**, introduced by Gillan, P. Clark, Doherty, Newman, referred to State Administration.

**HB 288**, introduced by Bixby, Brueggeman, Christiaens, Erickson, Jayne, Juneau, Mangan, McCann, Musgrove, Pease, Roush, Smith, referred to Appropriations.

**HB 289**, introduced by Waddill, referred to Local Government.

**HB 290**, introduced by Waddill, referred to Judiciary.

**HB 291**, introduced by Lindeen, Bixby, Cole, Dell, Forrester, Gillan, Glaser, Lenhart, Mangan, K. Peterson, Steinbeisser, Tester, Wolery, referred to Appropriations.

**HB 292**, introduced by Fuchs, referred to Fish, Wildlife and Parks.

**HB 293**, introduced by Harris, Branae, Clancy, Gutsche, Hedges, Hurdle, Jent, Laslovich, Waddill, Wanzenried, Wolery, referred to State Administration.

**HB 294**, introduced by Lewis, Beck, R. Brown, Callahan, Clancy, P. Clark, Cocchiarella, R. Erickson, Esp, Facey, G. Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Grimes, Halligan, Hargrove, Harrington, Jacobson, Jent, Keane, Keenan, Laslovich, Lenhart, Lindeen, Masolo, Matthews, McCarthy, McGee, D. Mood, Newman, Raser, Ryan, Shea, Sliter, Stonington, B. Thomas, Toole, J. Tropila, Wanzenried, Waterman, C. Younkin.

**HB 295**, introduced by Jent, referred to Judiciary.

**HB 296**, introduced by Schrumpf, referred to Human Services.

**HB 297**, introduced by Raser, D. Brown, Buzzas, P. Clark, Facey, Lindeen, Newman, referred to Education.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 6**, introduced by Waddill, Bohlinger, referred to Agriculture.

**HJR 7**, introduced by McGee, referred to Business and Labor.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

**HB 25** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Harris, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: None.

Total 0

**HB 29** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Harris, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: None.

Total 0

**HB 39** passed as follows:

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: McCann.

Total 1

Voted Absentee: Harris, A. Peterson, K. Peterson, Waddill, Ayes; McCann, No.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: Carney.

Total 1

**HB 84** passed as follows:

Ayes: Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Olson, Raser, Rice, Ripley, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.

Total 58

Noes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, McKenney, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Witt, Younkin, Mr. Speaker.

Total 40

Voted Absentee: Harris, McCann, Waddill, Ayes; A. Peterson, K. Peterson, Noes.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: None.

Total 0

**HB 104** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson,

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Harris, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: None.

Total 0

**HB 112** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, R. Brown, P. Clark, Erickson, Fritz, Galvin-Halcro, Golie, Gutsche, Himmelberger, Mangan, Rice.

Total 11

Voted Absentee: Harris, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: None.

Total 0

**HB 117** passed as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, Branae, D. Brown, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Esp, Facey, Forrester, Fritz, Haines, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Laslovich, Laszloffy, Lawson, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

Total 58

Noes: Adams, Bales, Balyeat, Barrett, Bixby, R. Brown, Brueggeman, Buzzas, Cyr, Davies, Devlin, Erickson, Fisher, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Himmelberger, Jackson, Juneau, Kasten, Kaufmann, Keane, Laible, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Pattison, Rome, Story, Tropila, Vick, Waitschies, Wanzenried.

Total 40

Voted Absentee: Harris, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: None.

Total 0

**HB 141** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Harris, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: Eggers, Hurdle.

Total 2

Absent or not voting: None.

Total 0

Majority Leader Sliter moved the House recess until 8:30 a.m., Saturday, January 13, 2001 for caucuses. Motion carried.

House recessed at 8:17 a.m.

House reconvened at 8:30 a.m. Mr. Speaker in the chair. All members present except Representatives Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, and Waddill, excused. Quorum present.

**SECOND READING OF BILLS**



HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

**(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 36** - Representative Gallik moved **HB 36** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 51** - Representative Facey moved **HB 51** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 87** - Representative Masolo moved **HB 87** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Bixby, Carney, Erickson, Gallus, Gillan, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Smith, Wanzenried.  
Total 12

Voted Absentee: Eggers, Harris, McCann, A. Peterson, K. Peterson, Waddill, Ayes; Hurdle, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 98** - Representative Lewis moved **HB 98** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: P. Clark, Erickson, Esp, Golie, Gutsche, Hedges, Jackson, Kasten, Noennig, Shockley, Story, Tropila, Vick.  
Total 13

Voted Absentee: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

Total 0

**HB 111** - Representative Lawson moved **HB 111** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 81

Noes: Adams, Balyeat, Brueggeman, Clancy, Curtiss, Davies, Fisher, Fuchs, Haines, Jackson, Laible, Laszloffy, Mood, Pattison, Shockley, Sliter, Vick, Walters, Mr. Speaker.

Total 19

Voted Absentee: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 113** - Representative Devlin moved **HB 113** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

**HB 115** - Representative Shockley moved **HB 115** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 130** - Representative Lawson moved **HB 130** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted. Report adopted as

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 13, 2001

follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Sliter.  
Total 1

Excused: Eggers, Harris, Hurdle, McCann, A. Peterson, K. Peterson, Waddill.  
Total 7

Absent or not voting: R. Brown, Walters.  
Total 2

**MOTIONS**

Representative Sliter moved **HB 62** be taken from the Committee on Judiciary and be rereferred to the Committee on Local Government. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, January 15, 2001. Motion carried.

House adjourned at 9:25 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
ELEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 15, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Smith. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney, Fuchs, and Tramelli, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/15/2001  
Correctly engrossed: **HB 36, HB 51, HB 87, HB 98, HB 111, HB 113, HB 115, HB 130.**  
Signed by the Speaker at 10:35 a.m., January 15, 2001: **SJR 1.**

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman): 1/12/2001  
**HB 132**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "REPEALING"

**Insert:** "EXTENDING"

2. Title, line 9.

**Strike:** "REPEALING"

**Insert:** "EXTENDING"

3. Title, line 10.

**Strike:** "REPEALING"

**Insert:** "EXTENDING"

4. Title, line 11.

**Strike:** "REPEALING"

**Insert:** "EXTENDING"

5. Title, line 12 through line 15.

**Strike:** "INCREASING" on line 12 through "ENFORCEMENT;" on line 15

6. Title, line 17.

**Strike:** "SECTIONS 23-2-518 AND"

**Insert:** "SECTION"

7. Title, line 18.

**Strike:** "; REPEALING"

**Insert:** ", "

8. Page 1, line 23 through page 2, line 7.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

9. Page 2, line 11.

**Strike:** ", education, and enforcement"

10. Page 2, line 19.

**Following:** ";"

**Insert:** "and"

11. Page 2, lines 20 and 21.

**Following:** "23-2-536" on line 20

**Strike:** remainder of line 20 through "regulations" on line 21

12. Page 2, line 28 through line 29.

**Strike:** Section 3 in its entirety

**Insert:** "**Section 2.** Section 6, Chapter 511, Laws of 1993, is amended to read: "Section 6. **Termination.** [This act] terminates June 30, ~~1995~~ 2006."

**Section 3.** Section 9, Chapter 476, Laws of 1995, is amended to read: "**Section 9.** Section 6, Chapter 511, Laws of 1993, is amended to read: "Section 6. **Termination.** [This act] terminates June 30, ~~1995~~ 2002 2006."

**Section 4.** Section 10, Chapter 476, Laws of 1995, is amended to read: "Section 10. **Termination.** [Sections 1 and 3] terminate June 30, ~~2002~~ 2006.""

**Renumber:** subsequent sections

13. Page 3, line 6.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

14. Page 3, line 7.

**Following:** "section"

**Strike:** "2"

**Insert:** "1"

15. Page 3, lines 8 and 9.

**Following:** "facilities" on line 8

**Strike:** remainder of line 8 through "enforcement" on line 9

16. Page 3, line 17.

**Following:** ";"

**Insert:** "and"

17. Page 3, line 18 through page 3, line 19.

**Following:** "23-2-536" on line 18

**Strike:** remainder of line 18 through "regulations" on line 19

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/15/2001

**HB 45**, do pass. Report adopted.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

**TAXATION** (Story, Chairman):  
**HB 23**, do pass. Report adopted.  
**HB 24**, do pass. Report adopted.

1/15/2001

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/13/2001

**SB 8**, introduced by Waterman  
**SB 10**, introduced by Stonington  
**SB 32**, introduced by Shea  
**SB 37**, introduced by Mahlum  
**SB 38**, introduced by Grimes  
**SB 41**, introduced by Roush  
**SB 63**, introduced by Tester  
**SB 74**, introduced by McNutt  
**SB 89**, introduced by Waterman  
**SB 91**, introduced by Tash  
**SB 93**, introduced by Halligan  
**SB 112**, introduced by Nelson  
**SB 166**, introduced by Stonington

Senate bill passed and transmitted to the House for concurrence:

1/12/2001

**SB 61**, introduced by R. Johnson

Senate bills passed and transmitted to the House for concurrence:

1/11/2001

**SB 20**, introduced by Halligan  
**SB 23**, introduced by Halligan  
**SB 45**, introduced by Ellis

Senate joint resolution passed and transmitted to the House for concurrence:

1/10/2001

**SJR 2**, introduced by Waterman

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 298**, introduced by Facey, referred to Local Government.  
**HB 299**, introduced by Erickson, Doherty, Eggers, Facey, Gallik, Gutsche, Halligan, Harris, Jent, Kaufmann, Toole, referred to Natural Resources.  
**HB 300**, introduced by Wanzenried, referred to Business and Labor.  
**HB 301**, introduced by Wanzenried, Bishop, Erickson, Forrester, Gallus, Galvin-Halcro, Golie, Harrington, Jacobson, Kaufmann, Keane, Newman, Toole, Tropila, referred to Business and Labor.  
**HB 302**, introduced by Haines, Curtiss, Davies, Fisher, Fuchs, referred to Business and Labor.  
**HB 303**, introduced by Jayne, Bishop, Bixby, Bohlinger, Buzzas, Christiaens, Cocchiarella, Cyr, Gallik, Grimes,



HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Harrington, Jacobson, Jent, Juneau, Kaufmann, Lee, Lindeen, Mangan, Smith, Tropila, referred to Appropriations.

**HB 304**, introduced by Clancy, referred to Natural Resources.

**HB 305**, introduced by Gutsche, Bishop, referred to Fish, Wildlife and Parks.

**HB 306**, introduced by Balyeat, Adams, R. Brown, Brueggeman, Clancy, Facey, Forrester, Fuchs, Golie, Harris, Jent, Keenan, Laszloffy, Lewis, Rome, Vick, Waitschies, Walters, Whitaker, referred to Fish, Wildlife and Parks.

**HB 307**, introduced by Gallus, Berry, Cyr, Harrington, Jergeson, Laslovich, Matthews, Tropila, referred to Business and Labor.

**HB 308**, introduced by Younkin, referred to Business and Labor.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 37**, introduced by Mahlum (by request of the Department of Administration), referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mood in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 44** - Representative Haines moved **HB 44** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

**HB 71** - Representative Gallik moved **HB 71** do pass.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

**HB 71** - Representative Gallik moved **HB 71**, second reading copy, be amended as follows :

1. Page 5, line 16.

**Following:** "option,"

**Strike:** "as"

**Insert:** "on"

2. Page 5, line 17.

**Strike:** "part-time employee"

**Insert:** "sporadic basis"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Bitney, Fuchs, Tramelli.

Total 3

Absent or not voting: None.

Total 0

Motion that **HB 71**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

**HB 138** - Representative Mangan moved **HB 138** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

**HB 150** - Representative Sliter moved consideration of **HB 150** be passed for the day. Motion carried.

**HB 154** - Representative McGee moved **HB 154** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: Hurdle.

Total 1

**HB 172** - Representative L. Holden moved **HB 172** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Curtiss.

Total 1

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

Representative Mood moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Noes: None.  
Total 0

Excused: Bitney, Fuchs, Tramelli.  
Total 3

Absent or not voting: Davies.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 36** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: Fuchs.  
Total 1

Absent or not voting: None.  
Total 0

**HB 51** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: Fuchs.  
Total 1

Absent or not voting: Lindeen, Shockley.  
Total 2

**HB 87** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 84

Noes: Bixby, Carney, Eggers, Erickson, Gallus, Gutsche, Jayne, Juneau, Kaufmann, Mangan, Smith, Wanzenried.  
Total 12

Voted Absentee: Tramelli, Aye.

Excused: Bitney, Fuchs.  
Total 2

Absent or not voting: R. Brown, Cyr.  
Total 2

**HB 98** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Noes: Esp, Golie, Gutsche, Noennig, Story, Tropila, Vick, Wanzenried.  
Total 8

Voted Absentee: Tramelli, Aye.

Excused: Bitney, Fuchs.  
Total 2

Absent or not voting: None.  
Total 0

**HB 111** passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Adams, Balyeat, Clancy, Curtiss, Davies, Fisher, Mood, Shockley, Sliter, Vick, Waitschies, Walters.  
Total 12

Voted Absentee: Tramelli, Aye.

Excused: Bitney, Fuchs.  
Total 2

Absent or not voting: None.  
Total 0

**HB 113** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Total 0

Voted Absentee: Tramelli, Aye.

Excused: Bitney, Fuchs.

Total 2

Absent or not voting: None.

Total 0

**HB 115** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: None.

Total 0

Voted Absentee: Tramelli, Aye.

Excused: Bitney, Fuchs.

Total 2

Absent or not voting: Cyr, Mr. Speaker.

Total 2

**HB 130** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0



HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Voted Absentee: Tramelli, Aye.

Excused: Bitney, Fuchs.

Total 2

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 1/15/2001  
**HR 2**, introduced resolution, be amended as follows:

1. Page 2, line 4.

**Following:** "Babbitt,"

**Strike:** "set aside"

**Insert:** "withdraw"

2. Page 2, line 5.

**Strike:** "proved"

**Insert:** "proven"

3. Page 2, line 6.

**Following:** "Breaks"

**Strike:** remainder of line 6 through "1804"

And, as amended, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/15/2001

**HB 184**, do pass. Report adopted.

**HB 214**, do pass. Report adopted.

**MOTIONS**

Representative Sliter moved **HB 244** be taken from the Committee on Appropriations and be rereferred to the Committee on Taxation. Motion carried.

Representative Sliter moved **HB 273** be taken from the Committee on Human Services and be rereferred to the Committee on Taxation. Motion carried.

Representative Sliter moved **HB 237** be taken from the Committee on Judiciary and be rereferred to the Committee on Human Services. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 57**: Christiaens, Ellingson, Fritz, Galvin-Halcro, Gutsche, Halligan, and Wanzenried.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

The following cosponsors were added to **HB 273**: R. Brown and Forrester.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, January 16, 2001. Motion carried.

House adjourned at 2:47 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWELFTH LEGISLATIVE DAY**

Helena, Montana  
January 16, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Price. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Brueggeman, Callahan, Eggers, and Fisher, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/16/2001  
Correctly printed: **HB 23, HB 24, HB 45, HB 132, HB 184, HB 214, HR 2.**  
Correctly engrossed: **HB 44, HB 71, HB 138, HB 154, HB 172.**  
Correctly enrolled: **HB 1.**  
Signed by the Speaker at 11:36 a.m., January 16, 2001: **HB 1.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/15/2001  
**HB 73**, introduced bill, be amended as follows:

1. Title, line 5.  
**Strike:** "DEPARTMENTS"  
**Insert:** "DIVISIONS, BUREAUS, UNITS, AND PROGRAMS"
2. Title, line 6 through line 7.  
**Strike:** "PROVIDING" on line 6 through "PROGRAM;" on line 7
3. Page 2, lines 8 through 10.  
**Strike:** subsection (1) in its entirety  
**Renumber:** subsequent subsections
4. Page 2, lines 12 and 13.  
**Strike:** subsection (3) in its entirety  
**Renumber:** subsequent subsections
5. Page 3, lines 5 and 6.  
**Strike:** subsection (10) in its entirety
6. Page 3, line 8.  
**Strike:** "departments"  
**Insert:** "divisions, bureaus, units, and programs"
7. Page 3, line 9.  
**Following:** "each"  
**Strike:** "department"  
**Insert:** "division, bureau, unit, or program"
8. Page 3, line 10.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

**Following:** "providing"

**Strike:** "an agency program"

**Insert:** "services"

9. Page 3, line 11.

**Strike:** "(4)"

**Insert:** "(3)"

10. Page 3, line 12.

**Following:** "following"

**Strike:** "departments"

**Insert:** "divisions, bureaus, units, or programs"

11. Page 3, line 13.

**Strike:** "department of administration, including the information services division and the"

12. Page 3, line 14.

**Following:** "program"

**Insert:** "within the department of administration"

13. Page 3, line 15.

**Following:** "(b)"

**Insert:** "marketing unit of the travel promotion and development division within the"

14. Page 3, line 16.

**Following:** "(c)"

**Strike:** "department of corrections"

**Insert:** "nursery program of the forestry division within the department of natural resources and conservation"

15. Page 3, line 17.

**Following:** "(d)"

**Insert:** "water protection bureau within the"

16. Page 3, line 18.

**Following:** "(e)"

**Insert:** "chemical dependency bureau within the"

**Following:** ";

**Strike:** "and"

17. Page 3, line 19.

**Following:** "(f)"

**Insert:** "motor pool unit within the"

**Following:** "transportation"

**Insert:** "; (g) state hail program and state grain laboratory bureau within the department of agriculture; and (h) capitol grounds maintenance program within the department of fish, wildlife, and parks"

18. Page 3, line 20 through line 26.

**Strike:** subsection (3) in its entirety

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

**Renumber:** subsequent subsections

19. Page 4, line 10.

**Strike:** "department"

**Insert:** "division, bureau, unit, or program"

**Following:** "prepare"

**Insert:** "and deliver"

**Following:** "a"

**Strike:** "quarterly"

**Insert:** "final"

**Following:** "committee"

**Insert:** "and the legislative auditor no later than September 1, 2002"

20. Page 4, line 16 through line 18.

**Strike:** subsection (6) in its entirety

21. Page 4, line 20 through page 5, line 4.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

22. Page 6, line 1.

**Strike:** "July 1, 2003"

**Insert:** "December 31, 2002"

And, as amended, do pass. Report adopted.

**HB 177**, do pass. Report adopted.

**HB 194**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Following:** "or"

**Insert:** "or"

**Following:** "professional"

**Insert:** "capacity, as these terms are defined by regulations of the commissioner"

**Following:** "or"

**Insert:** "in an"

2. Page 2, line 6.

**Strike:** "as" through "commissioner"

**Insert:** ", as defined in 29 CFR 541.5"

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman):

1/15/2001

**HB 32**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "TO"

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

**Insert:** "OR"  
**Strike:** "21"  
**Insert:** "20"

2. Page 3, line 29.  
**Strike:** "22"  
**Insert:** "21"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House: 1/15/2001

**HB 1**, introduced by Vick

Senate bills passed and transmitted to the House for concurrence: 1/15/2001

**SB 4**, introduced by Grimes  
**SB 26**, introduced by R. Holden  
**SB 52**, introduced by Roush  
**SB 85**, introduced by Tester  
**SB 102**, introduced by Cole  
**SB 113**, introduced by Nelson  
**SB 172**, introduced by R. Johnson

Senate joint resolution passed and transmitted to the House for concurrence: 1/15/2001

**SJR 5**, introduced by Roush

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 309**, introduced by Younkin, Franklin, Jacobson, Kaufmann, Lee, Lenhart, Stonington, referred to Business and Labor.  
**HB 310**, introduced by Bixby, Juneau, Pease, Smith, referred to Natural Resources.  
**HB 311**, introduced by Masolo, referred to State Administration.  
**HB 312**, introduced by Golie, Callahan, Christiaens, Doherty, Ekegren, Franklin, Galvin-Halcro, Lehman, Mangan, McKenney, Ripley, Ryan, Schmidt, Tropila, Whitaker, Witt, referred to Appropriations.  
**HB 313**, introduced by Masolo, referred to Judiciary.  
**HB 314**, introduced by Gallik, referred to Transportation.  
**HB 315**, introduced by Gallik, referred to Judiciary.  
**HB 316**, introduced by Gallik, referred to Human Services.  
**HB 317**, introduced by K. Peterson (by request of the Attorney General), referred to Judiciary.  
**HB 318**, introduced by Facey, Golie, Kitzenberg, Laslovich, Lawson, Newman, Raser, referred to Appropriations.  
**HB 319**, introduced by Galvin-Halcro, R. Brown, Schmidt, Waddill, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

**HJR 8**, introduced by Jacobson, Bixby, Christiaens, Golie, Hedges, Lenhart, Lindeen, Mangan, Schrumpf, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Story in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 23** - Representative R. Erickson moved **HB 23** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Curtiss.

Total 1

Voted Absentee: Callahan, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 24** - Representative R. Erickson moved **HB 24** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Voted Absentee: Callahan, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 45** - Representative Witt moved **HB 45** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Balyeat, Kasten, Vick.

Total 4

Voted Absentee: Callahan, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 150** - Representative Bitney moved **HB 150** do pass.

**HB 150** - Representative Gallik moved **HB 150**, second reading copy, be amended as follows :

1. Title, page 1, lines 7 though 9.

**Following:** "WORK";" on line 7

**Strike:** remainder of line 7 through "PURPOSES;" on line 9

2. Page 8, line 15.

Page 8, line 25

**Strike:** "(1)"

3. Page 8, lines 21 through 24.

**Strike:** subsection (2) in its entirety

4. Page 8, line 29 through page 9, line 2.

**Strike:** subsection (2) in its entirety



HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Voted Absentee: Callahan, Aye.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 150** - Representative Wanzenried moved **HB 150**, second reading copy, be amended as follows :

1. Page 8, lines 22 and 30.

**Following:** "layoff"

**Strike:** ", mandated or" in two places

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 46

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Voted Absentee: Callahan, Aye.

Excused: Fisher.

Total 1

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Absent or not voting: None.  
Total 0

**HB 150** - Representative Vick moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 62

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 36

Excused: Callahan, Fisher.  
Total 2

Absent or not voting: None.  
Total 0

Motion that **HB 150** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 53

Noes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 46

Voted Absentee: Callahan, No.

Excused: Fisher.  
Total 1

Absent or not voting: None.  
Total 0

**HB 155** - Representative Noennig moved **HB 155** do pass.

**HB 155** - Representative Noennig moved **HB 155**, second reading copy, be amended as follows :

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

1. Title, line 8.

**Strike:** "AND"

2. Title, line 9.

**Following:** "MCA"

**Insert:** "; AND REPEALING SECTION 70-32-221, MCA"

3. Page 3.

**Following:** line 4

**Insert:** "NEW SECTION. Section 5. Repealer. Section 70-32-221, MCA, is repealed."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Noes: Bixby, Bookout-Reinicke, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Musgrove, Ripley, Schmidt, Smith, Tramelli, Tropila, Vick, Wanzenried.

Total 34

Excused: Callahan, Fisher.

Total 2

Absent or not voting: Lindeen, Matthews.

Total 2

Motion that **HB 155**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Buzzas, Carney, Curtiss, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 29

Excused: Callahan, Fisher.

Total 2

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Absent or not voting: Lindeen, Matthews.  
Total 2

**HB 184** - Representative Gallus moved **HB 184** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Troupila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 86

Noes: Bales, Bixby, R. Brown, E. Clark, Devlin, Jayne, Kasten, Masolo, Olson, Rice, Steinbeisser, Story, Mr. Speaker.  
Total 13

Voted Absentee: Callahan, Aye.

Excused: Fisher.  
Total 1

Absent or not voting: None.  
Total 0

**HB 214** - Representative Sliter moved consideration of **HB 214** be placed at the bottom of the second reading board. Motion carried.

**HR 2** - Representative Witt moved **HR 2** be adopted.

**HR 2** - Representative Davies moved for cloture. Motion carried.

Motion that **HR 2** be adopted carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Troupila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, Newman, Raser, Schmidt, Tramelli, Wanzenried.  
Total 34

Voted Absentee: Callahan, No.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Excused: Fisher.  
Total 1

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 71

Noes: Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Lee, Mangan, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 23

Excused: Callahan, Fisher.  
Total 2

Absent or not voting: Bales, P. Clark, K. Peterson, Story.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 44** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Callahan, Aye.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Excused: Fisher.  
Total 1

Absent or not voting: Eggers, Fritz.  
Total 2

**HB 138** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Hurdle.  
Total 1

Voted Absentee: Callahan, Aye.

Excused: Fisher.  
Total 1

Absent or not voting: Eggers.  
Total 1

**HB 154** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Callahan, Aye.

Excused: Fisher.  
Total 1

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Absent or not voting: Eggers.  
Total 1

**HB 172** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Voted Absentee: Callahan, Aye.

Excused: Fisher.  
Total 1

Absent or not voting: Davies, Fritz, Matthews, Pattison, Sliter.  
Total 5

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Thomas, Chairman):  
**HB 180**, introduced bill, be amended as follows:

1/16/2001

1. Title, line 7.  
**Following:** "ASSISTANT-CERTIFIED"  
**Insert:** "OR AN ADVANCED PRACTICE REGISTERED NURSE"

2. Page 1, line 15.  
**Following:** "assistant-certified"  
**Insert:** ", by an advanced practice registered nurse,"

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Sliter moved **HB 214** be taken from the Committee of the Whole and be rereferred to the Committee on Appropriations. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 53**: Bixby, Branae, Buzzas, Christiaens, Cyr, Dell, Doherty, Eggers,

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 16, 2001

Ellingson, Erickson, Facey, Fritz, Golie, Gutsche, Harrington, Harris, Hurdle, Jacobson, Jent, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Pease, Raser, Roush, and Smith.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, January 17, 2001. Motion carried.

House adjourned at 3:25 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 17, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Pattison. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Musgrove, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/17/2001  
Correctly printed: **HB 32, HB 73, HB 177, HB 180, HB 194.**  
Correctly engrossed: **HB 23, HB 24, HB 45, HB 150, HB 155, HB 184.**  
Correctly enrolled: **HR 2.**  
Signed by the Speaker at 2:15 p.m., January 17, 2001: **HR 2.**  
Delivered to the Governor for her approval at 11:30 a.m., January 17, 2001: **HB 1.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/16/2001  
**HB 145**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "EXCEPTING"

**Insert:** "ELECTRICAL SIGNAL AND COMMUNICATIONS EQUIPMENT OWNED BY A COUNTY OR THE STATE, LOW-VOLTAGE ELECTRICAL SIGNAL AND COMMUNICATIONS EQUIPMENT, OPTICAL FIBER CABLES, TRAFFIC SIGNALS, STREET LIGHTING, TRAFFIC CONTROL DEVICES, AND"

2. Page 3, line 3.

**Strike:** "low-voltage"

3. Page 3, line 4.

**Following:** "equipment"

**Strike:** "and optical fiber cables"

**Following:** "city"

**Insert:** "and traffic signals, street lighting, and other electrical traffic control devices owned or operated by a public utility, city, or county or the state"

4. Page 3, line 7.

**Strike:** "or"

5. Page 3, line 9.

**Following:** "Act"

**Strike:** "z"

**Insert:** "; or

(d) the installation, alteration, or repair of low-voltage electrical signal and communications equipment and optical fiber cable."

6. Page 3, line 22.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

**Strike:** "**Building**"  
**Insert:** "**Electrical**"

7. Page 3, line 28.

**Following:** "reference"

**Strike:** "nationally recognized electrical codes"

**Insert:** "the national fire protection association standard NFPA 70, national electrical code,"

8. Page 3, line 29.

**Following:** "part"

**Insert:** ", "

**Following:** "the"

**Strike:** "nationally recognized codes"

**Insert:** "national fire protection association standard NFPA 70, national electrical code"

And, as amended, do pass. Report adopted.

**HB 235**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/16/2001

**SB 6**, introduced by Cole

**SB 7**, introduced by Cole

**SB 53**, introduced by Roush

**SB 75**, introduced by Jergeson

**SB 106**, introduced by Sprague

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 320**, introduced by Laible, referred to Natural Resources.

**HB 321**, introduced by D. Brown, referred to Education.

**HB 322**, introduced by Matthews, referred to Education.

**HB 323**, introduced by Facey, referred to Judiciary.

**HB 324**, introduced by Mangan, Andersen, Bixby, Buzzas, Carney, Christiaens, Dell, Gallik, Gallus, Galvin-Halcro, Harris, Jacobson, Lee, Lehman, Lenhart, Lindeen, Masolo, Musgrove, Raser, Smith, Waddill, Whitaker, referred to Human Services.

**HB 325**, introduced by Laible, referred to Fish, Wildlife and Parks.

**HB 326**, introduced by Galvin-Halcro, referred to State Administration.

**HB 327**, introduced by Waddill, referred to Natural Resources.

**HB 328**, introduced by Somerville, Bales, Beck, Bookout-Reinicke, R. Brown, Buzzas, Christiaens, Cole, Davies, Dale, Dell, DePratu, Doherty, Ellis, Erickson, Facey, Forrester, Franklin, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Grosfield, Gutsche, Halligan, Harrington, Harris, Kitzenberg, Lee, Lindeen, Mangan, McGee, McNutt, Mood, Schmidt, Shea, Sliter, Smith, Sprague, Stonington, Tester, F. Thomas, Toole, Walters, Wanzenried, Waterman, Younkin, referred to Taxation.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

**HB 329**, introduced by Somerville, referred to Judiciary.

**HB 330**, introduced by Golie, Bixby, Carney, Christiaens, Doherty, Eggers, Erickson, Facey, Gallus, Gillan, Jacobson, Keane, Kitzenberg, Laslovich, Lenhart, Mangan, Ripley, Ryan, Tropila, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mangan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 32** - Representative Lawson moved **HB 32** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Adams, Balyeat, Barrett, Bitney, Curtiss, Dale, Davies, Devlin, Fisher, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lewis, Mood, Pattison, Shockley, Story, Vick, Waitschies, Walters.

Total 23

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 73** - Representative Lawson moved **HB 73** do pass.

**HB 73** - Representative Galvin-Halcro moved consideration of **HB 73** be passed for the day. Motion carried.

**HB 132** - Representative Brueggeman moved **HB 132** do pass. Motion carried as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila,

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery.  
Total 84

Noes: Andersen, Eggers, Forrester, Hurdle, Kasten, Masolo, Mood, Olson, Pattison, Ripley, Shockley, Smith, Story, Wanzenried, Younkin, Mr. Speaker.  
Total 16

Voted Absentee: Musgrove, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 194** - Representative Bookout-Reinicke moved **HB 194** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: P. Clark, Erickson, Galvin-Halcro, Golie, Gutsche, Juneau, Lee, Musgrove.  
Total 8

Voted Absentee: Musgrove, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Mangan moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas,

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: None.  
Total 0

Excused: Musgrove.  
Total 1

Absent or not voting: Adams, P. Clark, Davies, Erickson, Gillan, Mangan, McCann, K. Peterson.  
Total 8

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 23** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 95

Noes: Adams.  
Total 1

Voted Absentee: Musgrove, Aye.

Excused: None.  
Total 0

Absent or not voting: Curtiss, Fritz, Keane, Mr. Speaker.  
Total 4

**HB 24** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 45** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Adams, Balyeat.

Total 2

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**HB 71** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

Total 98

Noes: Smith.

Total 1

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: Pattison.

Total 1

**HB 150** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 52

Noes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Rice, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Wanzenried.

Total 48

Voted Absentee: Musgrove, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 184** passed as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Bales, Barrett, Bixby, R. Brown, E. Clark, Devlin, Jayne, Kasten, Masolo, Olson, Rice, Steinbeisser, Story.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

Total 13

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Sliter moved **HB 32** be taken from third reading and be rereferred to Committee on Appropriations.  
Motion carried.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Masolo, Chairman):

1/17/2001

**HB 103**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** ";;"

**Insert:** "REQUIRING COMPLIANCE WITH TEACHER CERTIFICATION LAWS IN ORDER TO RECEIVE  
MULTIYEAR ACCREDITATION;"

2. Page 1, line 18.

**Following:** "district"

**Insert:** "by the superintendent of public instruction"

3. Page 1, line 19.

**Strike:** "or"

**Following:** "3"

**Insert:** ", 4, or 5"

4. Page 1, line 19.

**Following:** "years"

**Insert:** ", except that multiyear accreditation may only be granted to schools that are in compliance with 20-4-101"

And, as amended, do pass. Report adopted.

**HB 134**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "EDUCATION;"

**Insert:** "REVISING THE DEFINITION OF "VOCATIONAL-TECHNICAL EDUCATION" TO INCLUDE A  
TRIBALLY CONTROLLED COMMUNITY COLLEGE;"

2. Page 3, line 25.



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 17, 2001

**Strike:** "or"

**Insert:** ", "

3. Page 3, line 26.

**Following:** ", "

**Insert:** "or a tribally controlled community college,"

4. Page 12, line 5.

**Strike:** "not inconsistent"

**Insert:** "consistent"

5. Page 12, line 21.

**Following:** "(c)"

**Insert:** "field supervision of students beyond the school year for"

**Strike:** "experience supervision"

And, as amended, do pass. Report adopted.

**HB 160**, introduced bill, be amended as follows:

1. Page 5, line 3 through line 6.

**Strike:** "reimbursement" on line 3 through "proportion" on line 6

**Insert:** "total of reimbursements to all districts does not exceed 25% of the total special education allocation limit established in subsection (2)(a)(iii), reimbursement must be made to districts for amounts that exceed a threshold level calculated annually by the office of public instruction. The threshold level is calculated as a percentage amount above the sum of the district's block grants plus the required district match"

And, as amended, do pass. Report adopted.

**HB 164**, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, January 18, 2001. Motion carried.

House adjourned at 1:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 18, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bixby. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifth, sixth, seventh, eighth, and ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Miss Montana 2001, Jana LeBree, a ventriloquist, performed for the House with her friend Clyde. She and Clyde sang a song that teaches children the names of the 50 states. Miss LaBree is traveling throughout Montana visiting 250 schools to promote the G.P.A. (Good Positive Attitude) and C.A.R.E. (Courtesy And Respect Expectations) school programs.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/18/2001  
Correctly printed: **HB 38, HB 47, HB 50, HB 91, HB 97, HB 103, HB 120, HB 134, HB 145, HB 152, HB 160, HB 164, HB 218, HB 220, HB 230, HB 235.**  
Correctly engrossed: **HB 132, HB 194.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/17/2001  
**HB 120**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "PURPOSES;"

**Insert:** "INCREASING THE NUMBER OF MEMBERS ON THE BOARD OF REAL ESTATE APPRAISERS;"

2. Title, page 2, line 9.

**Following:** "DATES"

**Insert:** "AND A TERMINATION DATE"

3. Page 3, line 16.

**Strike:** "five"

**Insert:** "seven"

4. Page 3, line 17.

**Strike:** "Three"

**Insert:** "Five"

5. Page 13, line 25.

**Following:** "no"

**Strike:** "contraindications for"

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

**Insert:** "medical factors or conditions that render"

6. Page 13, line 26.

**Following:** "use"

**Insert:** "inadvisable as a treatment or remedy for hearing loss"

7. Page 16, line 2.

**Strike:** "vice"

8. Page 25, line 22.

**Strike:** "-- deposit of fee"

**Strike:** "(1)"

9. Page 25, lines 27 and 28.

**Strike:** subsection (2) in its entirety

10. Page 26, line 16.

**Following:** "licensed"

**Strike:** "be registered"

11. Page 26.

**Following:** line 16

**Insert:** "**Section 44.** Section 37-66-304, MCA, is amended to read:

**"37-66-304. Qualifications not required -- application for licensure.** (1) A person wishing to practice landscape architecture in this state shall apply to the department for a license and successfully pass a written examination established by the board.

(2) Each applicant must be admitted to the examination without prerequisite qualifications.""

**Renumber:** subsequent sections

12. Page 44, line 26.

**Strike:** "71"

**Insert:** "72"

**Strike:** "72"

**Insert:** "73"

13. Page 44, line 28.

**Following:** "7"

**Strike:** "and"

**Insert:** ", "

**Following:** "9 through"

**Strike:** "70"

**Insert:** "44, and 46 through 71"

**Following:** "2001."

**Insert:** "(3) [Section 45] is effective October 1, 2005."

14. Page 44.

**Following:** line 28

**Insert:** "NEW SECTION. **Section 75. Termination.** [Section 44] terminates September 30, 2005."

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

And, as amended, do pass. Report adopted.

**HB 218**, introduced bill, be amended as follows:

1. Page 3, line 29.

**Following:** "use"

**Insert:** "and that is not regulated as a public water supply system as provided in Title 75, chapter 6"

And, as amended, do pass. Report adopted.

**HB 220**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

**Strike:** "REMOVING" on line 8 through "DECLARED" on line 9

**Insert:** "PROVIDING THAT DIVIDENDS MUST BE PAID ON ALL SHARES ACCORDING TO ANY METHOD OF CALCULATION ALLOWED BY LAW"

2. Page 4, line 1.

**Following:** "~~declared:~~"

**Insert:** "The dividends must be paid on all shares according to any method of calculation allowed by law."

And, as amended, do pass. Report adopted.

**HB 230**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Strike:** "AND" on line 4 through "LICENSING" on line 5

2. Title, line 5.

**Strike:** "50-74-103,"

**Following:** "50-74-209,"

**Insert:** "AND"

**Following:** "50-74-219,"

**Strike:** "AND" on line 5 through "50-74-303," on line 6

3. Page 1, line 23 through page 2, line 4.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

4. Page 3, line 11 through page 4, line 3.

**Strike:** section 5 in its entirety

And, as amended, do pass. Report adopted.

**HB 234**, introduced bill, be amended as follows:

1/18/2001

1. Page 11, line 4.

**Following:** "20"

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

**Insert:** ", however, governmental agencies are not limited to the use of a cryptosystem, as defined in 2-20-103, or any other specific technology for electronic transactions provided for in [sections 1 through 18]"

And, as amended, do pass. Report adopted.

**HJR 7**, be adopted. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):  
**HB 22**, introduced bill, be amended as follows:

1/18/2001

1. Title.

**Following:** "MCA" on line 10

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.

**Following:** line 2

**Insert:** "NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 92**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "DATE"

**Insert:** "AND A CONTINGENT TERMINATION DATE"

2. Page 1.

**Following:** line 20

**Insert:** "(c) No more than \$50,000 in each fiscal year may be awarded for activities within a single jurisdictional area established pursuant to Title 76, chapter 1, part 5. "

3. Page 1, line 21 through page 1, line 22.

**Strike:** "planning" on line 21 through "counties" on line 22

**Insert:** "the governing body or any combination of the governing bodies of cities, towns, or counties"

4. Page 2, line 5.

**Following:** "system."

**Insert:** "Applications for grants to develop growth policies must be given priority over applications for grants to carry out implementation activities."

5. Page 2.

**Following:** line 22

**Insert:** "NEW SECTION. Section 5. Contingent termination. [This act] terminates on July 1 of the first year of any biennium for which less than \$100,000 is appropriated for the grant program established in [section 1]."

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

And, as amended, do pass. Report adopted.

**HB 93**, introduced bill, be amended as follows:

1. Title, page 1, lines 8 and 9.

**Strike:** "ALLOWING THE COURT TO INCLUDE APPROPRIATE PAYMENT FOR DAMAGES IN THE PRELIMINARY CONDEMNATION ORDER;"

**Insert:** "REQUIRING THAT THE CONDEMNATION COMMISSIONERS DETERMINE THE APPROPRIATE PAYMENT FOR DAMAGES AFTER EXAMINING THE PROPERTY;"

2. Title, page 1, line 11.

**Strike:** "70-30-206,"

**Insert:** "70-30-301,"

3. Page 3, line 15 through page 4, line 28.

**Strike:** section 3 in its entirety

**Insert:** "Section 3. Section 70-30-301, MCA, is amended to read:

**"70-30-301. Hearing -- judge to preside -- determinations by condemnation commissioners.** (1) ~~Immediately upon nomination and appointment of commissioners under 70-30-207, the same shall proceed to The condemnation commissioners shall~~ meet at the time and place stated in the order appointing them; ~~which The meeting time shall~~ may not be more than 10 days after the order of ~~appointing~~ appointment; ~~and proceed to The commissioners shall~~ examine the lands sought to be ~~appropriated~~ taken. At a time appointed by the judge and within ~~said the~~ 10-day period, ~~they the commissioners~~ shall hear the allegations and evidence of all persons interested in each ~~of the several parcels~~ parcel of land.

(2) ~~Such The~~ hearing ~~shall~~ must be attended by and presided over by the presiding judge, who shall make all necessary rulings upon procedure and the admissibility of evidence.

(3) (a) At the conclusion of the ~~aforesaid~~ hearing, the ~~court or~~ judge shall instruct the commissioners as to the law applicable to their deliberations and shall instruct them that their duty is to determine, based solely upon ~~the basis of said their~~ examination of lands, the evidence produced at the hearing or hearings, and the instructions of the court, the ~~following:~~ appropriate findings provided for in subsections (3)(b) through (3)(d).

~~(a)(b)~~ The commissioners shall determine the current fair market value of the real property sought to be ~~appropriated~~ taken and all improvements ~~thereon~~ pertaining to the realty real property and of each ~~and every~~ separate estate and interest ~~therein~~ in the real property and improvements. If ~~it the~~ real property consists of different parcels, the current fair market value of each parcel and each estate or interest ~~therein~~ in the real property must be separately assessed.

~~(b)(c)~~ (i) ~~if~~ If the property sought to be ~~appropriated~~ taken constitutes only a part of a larger parcel, the commissioners shall determine the depreciation in current fair market value ~~which that~~ will accrue to the ~~portion not sought to be condemned remaining parcel~~ by reason of its ~~severance from the portion sought to be condemned the~~ condemnation and the construction of the improvements in the manner proposed by the ~~plaintiff; condemnor.~~

~~(c)(ii)~~ ~~separately;~~ The commissioners shall also determine how much the ~~portion not sought to be condemned remaining parcel~~ and each estate or interest ~~therein~~ in the remaining parcel will be benefited, if at all, by the construction of the improvements proposed by the ~~plaintiff; condemnor.~~ ~~and if~~ If the benefit ~~shall be~~ is equal to the amount assessed under subsection ~~(3)(b)~~ (3)(c)(i), the ~~owner of the parcel shall be allowed no compensation except~~ compensation to the condemnee is limited to the value of the portion taken; ~~but~~ However, if the ~~benefits shall be~~ benefit is less than the amount assessed under subsection ~~(3)(b)~~ (3)(c)(i), the ~~former shall~~ benefit to the condemnee must be deducted from the ~~latter;~~ amount assessed under subsection (3)(c)(i) and the remainder ~~shall be~~ is the only amount allowed in addition to the current fair market value;

(d) ~~if~~ If the property sought to be ~~condemned be~~ taken is for a railroad, the commissioners shall also

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

determine the cost of good and sufficient fences along the line of ~~such~~ the railroad and the cost of cattle guards where fences may cross the line of ~~such~~ the railroad.

(e) Through examination of the property, the commissioners shall determine the appropriate payment for damages to the property taken, as well as to any remaining parcel of property that may be adversely impacted by the project, to assist the court in making a final determination pursuant to 70-30-309.

(4) ~~Where~~ When there are two or more estates or divided interests in property sought to be ~~condemned~~ taken, the plaintiff ~~condemnor~~ is entitled to have the amount of the award for ~~said~~ the property first determined, as ~~hereinbefore stated~~, as between plaintiff ~~the~~ condemnor and all ~~defendants~~ condemnees claiming any ~~interests therein~~ interest in the property. ~~Thereafter in~~ In the same proceeding, the respective rights of each of ~~such~~ defendants ~~the~~ condemnees in and to the total award ~~shall~~ must be determined by the commissioners, under supervision and instruction of the court, and the award must be apportioned accordingly."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):  
**HB 38**, introduced bill, be amended as follows:

1/17/2001

1. Page 1, line 14.

**Following:** "(1)"

**Strike:** "The"

**Insert:** "Within appropriated funds, the"

2. Page 1, line 15.

**Following:** "vehicles"

**Insert:** "supplied by the department of transportation"

**Following:** "administration at"

**Insert:** "the current"

3. Page 1, line 18 through line 19.

**Strike:** line 18 through line 19

And, as amended, do pass. Report adopted.

**HB 47**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "ELIMINATING"

**Insert:** "INCREASING"

2. Page 3, line 14.

**Following:** "~~(4)~~"

**Insert:** "(1) Except as provided in subsection (2) and this subsection, an investment may not be made that will result in any one business enterprise or person receiving a benefit from or incurring a debt to the permanent coal tax trust fund the total current accumulated amount of which exceeds 10% of the permanent coal tax trust fund. This subsection does not:

(a) apply to a loan made pursuant to 17-6-317;

(b) limit the board's authority to make loans to the capital reserve account as provided in 17-6-308(2);

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

(c) apply to the purchase of debentures issued by a capital company. However, the total amount of debentures purchased by the board may not exceed 1% of the Montana permanent coal tax trust fund at the time of purchase.

(2)"

3. Page 3, line 18.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**HB 50**, introduced bill, be amended as follows:

1. Page 16, line 16.

**Strike:** "October 1, 2001"

**Insert:** "January 1, 2002"

And, as amended, do pass. Report adopted.

**HB 91**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "LEAST"

**Strike:** "25"

**Insert:** "26"

2. Page 2, line 11.

**Strike:** "25th"

**Insert:** "26th"

And, as amended, do pass. Report adopted.

**HB 97**, introduced bill, be amended as follows:

1. Page 24, line 15.

**Strike:** "and workers"

And, as amended, do pass. Report adopted.

**HB 152**, introduced bill, be amended as follows:

1. Page 30, line 28.

**Strike:** "membership"

**Following:** "credits"

**Insert:** "credit"

2. Page 34, line 5.



HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

**Strike:** "any"

**Insert:** "all or a portion of"

3. Page 67, line 15.

**Following:** "on the"

**Strike:** "the"

4. Page 82, line 30.

**Strike:** "19-3-707"

**Insert:** "19-2-707"

5. Page 88, line 1.

**Following:** "purchase"

**Insert:** "all or a portion of"

6. Page 91, line 3.

**Following:** "pay"

**Insert:** "claims and"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

1/17/2001

**HB 18**, introduced bill, be amended as follows:

1. Page 2, line 12.

**Strike:** "may"

**Insert:** "must"

And, as amended, do pass. Report adopted.

**HB 75**, do pass. Report adopted.

**HJR 3**, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/17/2001

**SB 59**, introduced by Nelson

**SB 122**, introduced by Shea

**SB 133**, introduced by Jergeson

**SB 157**, introduced by Cocchiarella

**SB 159**, introduced by Grosfield

**SB 165**, introduced by Cole

**SB 204**, introduced by Cobb

**MESSAGES FROM THE GOVERNOR**

January 18, 2001

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 1** sponsored by Representative Vick on January 18, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 331**, introduced by Eggers, Callahan, Curtiss, Erickson, Galvin-Halcro, Hurdle, Laszloffy, Lee, Newman, Schmidt, Smith, Stonington (by request of the Attorney General), referred to Judiciary.  
**HB 332**, introduced by Dale, Cocchiarella, Forrester, Tash, referred to Natural Resources.  
**HB 333**, introduced by Jent, referred to Business and Labor.  
**HB 334**, introduced by Lenhart, Dell, Mangan, Matthews, Smith, Witt, referred to Natural Resources.  
**HB 335**, introduced by Gutsche, Hedges, Lenhart, referred to Agriculture.  
**HB 336**, introduced by Gutsche, Harris, Newman (by request of the Attorney General), referred to Judiciary.  
**HB 337**, introduced by Forrester, Bishop, Bixby, Bohlinger, Cyr, Erickson, Fritz, Halligan, Jayne, Jent, Kaufmann, Laslovich, Raser, Waddill, referred to Human Services.  
**HB 338**, introduced by Jayne, referred to Federal Relations, Energy, and Telecommunications.  
**HB 339**, introduced by Somerville, referred to Business and Labor.  
**HB 340**, introduced by Younkin, referred to Natural Resources.  
**HB 341**, introduced by Younkin, referred to Judiciary.  
**HB 342**, introduced by Clancy, referred to State Administration.  
**HB 343**, introduced by Wanzenried, Buzzas, Erickson, Facey, Fritz, Gutsche, Raser, referred to Natural Resources.  
**HB 344**, introduced by Bixby, Jacobson, Lee, referred to Human Services.  
**HB 345**, introduced by Mangan, Beck, Golie, Hargrove, Toole, Wanzenried, referred to Local Government.  
**HB 346**, introduced by Schruppf, Barrett, R. Brown, E. Clark, Devlin, Forrester, Jacobson, Kasten, Kitzenberg, Laszloffy, Masolo, Mood, Pattison, referred to Agriculture.  
**HB 347**, introduced by L. Holden, E. Clark, Ekegren, Roush, referred to Appropriations.  
**HB 348**, introduced by Shockley, Berry, Bookout-Reinicke, E. Clark, Cocchiarella, Forrester, Fuchs, Gillan, Golie, Matthews, Price, Roush, Schmidt, Shea, Story, Tropila, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 73** - Representative R. Brown moved **HB 73** do pass.

**HB 73** - Representative Galvin-Halcro moved **HB 73**, second reading copy, be amended as follows :

1. Title, line 6.

**Following:** "PROGRAMS"

**Insert:** "AND THE BUSINESS AND LABOR INTERIM COMMITTEE"

2. Page 3, line 13.

**Strike:** "(3)"

**Insert:** "(4)"

3. Page 4.

**Following:** line 4

**Insert:** "(3) The committee shall establish a full cost accounting model to determine the cost of providing interim committee services for the committee in-house, using the cost factors provided for in subsection (4)."

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 73**, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart,

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 164** - Representative Olson moved **HB 164** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 93

Noes: Adams, Balyeat, Davies, Laszloffy, Vick, Mr. Speaker.

Total 6

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

**HB 180** - Representative Callahan moved **HB 180** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

Noes: R. Brown, Steinbeisser, Mr. Speaker.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Ripley.  
Total 1

**HB 235** - Representative R. Brown moved **HB 235** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 132** passed as follows:

Ayes: Adams, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

Total 85

Noes: Andersen, Barrett, Eggers, Esp, Forrester, Galvin-Halcro, Hurdle, Lindeen, Olson, Schmidt, Schrumpf, Shockley, Story, Younkin, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 155** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Buzzas, Carney, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Raser, Tramelli, Tropila.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 194** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Eggers, Erickson, Galvin-Halcro, Golie, Gutsche, Juneau, Lee, Mangan, Smith, Wanzenried.

Total 10

Excused: None.

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 18, 2001

Total 0

Absent or not voting: Devlin, Schmidt.

Total 2

**MOTIONS**

Representative Sliter moved **HB 73** be taken from third reading this legislative day and rereferred to the Committee on Appropriations. Motion carried.

Representative Schrumpf requested on **HB 150**, third reading yesterday, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Kasten requested on **HB 150**, third reading yesterday, that his vote be changed from no to yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Friday, January 19, 2001. Motion carried.

House adjourned at 2:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 19, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Kasten, McCann, Noennig, Rice, Tramelli, Tropila, and Vick, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Tracy Peters, Dillon  
Tim Carlisle, Billings  
Audra Rice, Billings  
Nick Van Atta, Billings  
Kayla Walters, Glendive  
Nick Sorensen, Anaconda

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/19/2001  
Correctly printed: **HB 18, HB 22, HB 75, HB 92, HB 93, HB 234, HJR 3, HJR 7.**  
Correctly engrossed: **HB 164, HB 180, HB 235.**

**JUDICIARY** (Shockley, Chairman): 1/18/2001  
**HB 195**, introduced bill, be amended as follows:

1. Page 2, line 5 through line 6.  
**Strike:** "(2)" on line 5 through "offense)," on line 6  
**Following:** "(4)" on line 6  
**Strike:** ",,"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman): 1/18/2001  
**HB 204**, do pass. Report adopted.  
**HB 231**, introduced bill, be amended as follows:

1. Page 1, line 28 through line 29.  
**Following:** "month" on line 28  
**Strike:** "for" on line 28 through "2.5%" on line 29

And, as amended, do pass. Report adopted.

**TAXATION** (Story, Chairman): 1/19/2001



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

**HB 37**, introduced bill, be amended as follows:

1. Title, page 1.

**Following:** line 7

**Insert:** "ELIMINATING THE REQUIREMENT THAT LOCAL TAXING AUTHORITIES ADOPT A RESOLUTION TO INCREASE MILL LEVIES IN EXCESS OF THE CERTIFIED MILLAGE RATES;"

2. Title, page 1, line 8.

**Following:** "7-6-2522"

**Insert:** ", "

**Strike:** "AND"

**Following:** "15-10-202,"

**Insert:** "AND 15-10-206,"

**Following:** "MCA;"

**Insert:** "REPEALING SECTIONS 15-10-204, 15-10-205, 15-10-207, AND 15-10-208, MCA;"

3. Page 2.

**Following:** line 3

**Insert:** "Section 3. Section 15-10-206, MCA, is amended to read:

**"15-10-206. Exceptions for Notification of decisions of tax appeal boards.** The department shall notify each taxing authority of any change in the property tax record that results from actions by the state or county tax appeal boards. ~~An increase in the taxing authority's millage above the millage certified by the department or adopted by resolution or ordinance of the governing body of the taxing authority that is required solely by a reduction of the property tax record by the state or county tax appeal board may be adopted without further notice."~~

**Insert:** "NEW SECTION. Section 4. Repealer. Sections 15-10-204, 15-10-205, 15-10-207, and 15-10-208, MCA, are repealed."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 192**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "TAXES"

**Insert:** ", INCLUDING PENALTIES, INTEREST, AND FEES,"

2. Title, page 1, line 6.

**Strike:** "DEPARTMENT OF REVENUE"

**Insert:** "TAXPAYER"

3. Page 1, line 14.

**Following:** "taxes"

**Insert:** ", including penalties, interest, and fees"

4. Page 1, line 17.

**Following:** "from the"

**Insert:** "financial"

**Following:** "institution"

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

**Insert:** "or credit card company"

**Following:** "or credit"

**Insert:** "and the payment or credit is not subsequently charged back to the state by the financial institution or credit card company"

5. Page 1, line 18.

**Following:** "taxpayer"

**Insert:** ", unless the payment or credit is subsequently charged back to the state by the financial institution or credit card company"

6. Page 1, line 22.

**Strike:** "department" through "otherwise,"

**Insert:** "taxpayer shall pay all"

**Strike:** "to"

**Insert:** "required by"

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 349**, introduced by Haines, referred to Business and Labor.

**HB 350**, introduced by Haines, referred to Federal Relations, Energy, and Telecommunications.

**HB 351**, introduced by Olson, Bales, Barrett, Bookout-Reinicke, E. Clark, Cole, Devlin, Forrester, Price, Ripley, Tropila, referred to Taxation.

**HB 352**, introduced by Callahan, Doherty, referred to Human Services.

**HB 353**, introduced by Fritz, Bixby, Buzzas, Callahan, Carney, Facey, Gutsche, Juneau, Kaufmann, Lenhart, Lindeen, Mahlum, Matthews, Raser, Schrumpf, Tropila, Waddill, Wanzenried, referred to Education.

**HB 354**, introduced by Lawson, referred to State Administration.

**HB 355**, introduced by Kaufmann, Bohlinger, Bookout-Reinicke, Gutsche, Harris, Price, referred to Business and Labor.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/18/2001

**SB 1**, introduced by Grimes

**SB 12**, introduced by Nelson

**SB 40**, introduced by Christiaens

**SB 44**, introduced by Bishop

**SB 103**, introduced by Zook

**SB 120**, introduced by Tester

House bill concurred in and returned to the House:

1/18/2001

**HB 17**, introduced by Haines

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wanzenried in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 18** - Representative Somerville moved **HB 18** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 50** - Representative Juneau moved **HB 50** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 74

Noes: Adams, Balyeat, Bitney, Bookout-Reinicke, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Himmelberger, Laible, Laszloffy, Lewis, Masolo, Rome, Sliter, Steinbeisser, Story, Vick, Waddill, Mr. Speaker.

Total 26

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Ayes; Vick, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 75** - Representative E. Clark moved **HB 75** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Barrett, P. Clark, Cyr, Gillan, Gutsche, Harris, Hurdle, Kasten, Laslovich, Matthews, Newman, Schmidt.

Total 12

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: Curtiss.

Total 1

**HB 91** - Representative Golie moved **HB 91** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Kasten.

Total 1

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 97** - Representative Lewis moved **HB 97** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 95

Noes: Adams, Himmelberger, Kasten, Mr. Speaker.

Total 4

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: Curtiss.

Total 1

**HB 103** - Representative Olson moved **HB 103** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

Absent or not voting: None.  
Total 0

**HB 134** - Representative Facey moved **HB 134** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 89

Noes: Adams, Balyeat, R. Brown, Curtiss, Dale, Kasten, Laible, Laszloffy, Mood, Waitschies, Mr. Speaker.  
Total 11

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 145** - Representative Dale moved **HB 145** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: Adams, Balyeat, P. Clark, Davies, Dell, Hurdle, Story.  
Total 7

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

**HB 160** - Representative Andersen moved **HB 160** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams, Kasten.

Total 2

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 218** - Representative Facey moved **HB 218** do pass.

**HB 218** - Representative Facey moved **HB 218**, second reading copy, be amended as follows :

1. Title, line 5.

**Strike:** "PROVIDING RULEMAKING AUTHORITY;"

2. Title, line 7.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Following:** "50-50-102"

**Strike:** "AND 50-50-103"

3. Page 3, line 28.

**Strike:** "conveyance" through "obtains"

**Insert:** "person engaged in the business of transporting"

4. Page 4, line 2 through line 13.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

5. Page 4, line 19.

**Strike:** "3"

**Insert:** "2"

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

6. Page 4, line 21.

**Strike:** "3"

**Insert:** "2"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick.

Total 7

Absent or not voting: None.

Total 0

Motion that **HB 218**, as amended, do pass carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Adams, Bales, Balyeat, P. Clark, Curtiss, Esp, Kasten, Laszloffy, Mood, Pattison, Vick, Witt.

Total 12

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Ayes; Kasten, Vick, Noes.

Excused: None.

Total 0

Absent or not voting: Story.

Total 1

**HB 220** - Representative Lawson moved **HB 220** do pass. Motion carried as follows:



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Kasten.

Total 1

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: None.

Total 0

Excused: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick.

Total 7

Absent or not voting: Fuchs.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

**HB 164** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 93

Noes: Adams, Balyeat, Davies, Vick, Mr. Speaker.

Total 5

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Ayes; Vick, No.

Excused: None.

Total 0

Absent or not voting: P. Clark, Olson.

Total 2

**HB 180** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Gallus.

Total 1

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 235** passed as follows:

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Lindeen.

Total 1

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

1/19/2001

**HB 99**, do pass. Report adopted.

**HB 185**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** second "ACT"

**Insert:** "CLARIFYING THAT A PERSON 17 YEARS OF AGE WHO LAWFULLY PURCHASES A YOUTH COMBINATION LICENSE BUT WHO REACHES 18 YEARS OF AGE DURING THE LICENSE YEAR MAY LEGALLY HUNT OR FISH WITH THE LICENSE;"

2. Title, line 5.

**Following:** "LICENSE;"

**Insert:** "AMENDING SECTION 87-2-805, MCA;"

3. Page 1, line 9.

**Insert:** "Section 1. Section 87-2-805, MCA, is amended to read:

**"87-2-805. (Temporary) Persons under eighteen years of age -- youth combination sports license.** (1) Resident minors who are 12 years of age or older and under 15 years of age may fish and may hunt upland game and migratory game birds during the open season with only a conservation license. Resident minors who are 15 years of age may hunt migratory game birds with only a conservation license. Resident minors who are under 12 years of age may fish without a license. A nonresident person under 15 years of age may not fish in or on any Montana waters without first having obtained a Class B or B-4 fishing license unless the nonresident person under 15 years of age is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

(2) A resident, as defined by 87-2-102, under 15 years of age may purchase Class A-3 and A-5 licenses at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age.

(3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth combination sports license at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA combination sports license by a resident who is 18 years of age or older and under 62 years of age.

(b) The youth combination sports license includes:

- (i) a conservation license;
- (ii) a fishing license;
- (iii) an upland game bird license;
- (iv) an elk license; and
- (v) a deer license.

(c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing license at a price that is 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1 upland game bird license at 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(e) A person who lawfully purchases a youth combination sports license at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year. A person who is 18 years of age or older who hunts or fishes using the a youth combination sports license purchased after the person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties by the sentencing court:

(i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the person's hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing privileges for life; and

(ii) a monetary fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on a person under this chapter for the specific hunting or fishing violation.

(f) This section does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase the youth combination sports license. (Terminates February 28, 2002--sec. 4, Ch. 568, L. 1999.)

~~87-2-805. (Effective March 1, 2002) Persons under fifteen years of age. (1) Resident minors from 12 years through 14 years of age may fish and may hunt upland and migratory birds during the open season with only a conservation license. Resident minors under 12 years of age may fish without a license. However, no nonresident person under the age of 15 years may fish in or on any Montana waters without first having obtained a Class B or B-4 fishing license unless the nonresident person under the age of 15 years is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.~~

~~(2) Residents, as defined by 87-2-102, under the age of 15 years may purchase Class A-3 and A-5 licenses at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age."~~

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/19/2001

**HB 191**, introduced bill, be amended as follows:

1. Title, page 1, line 11 through line 12.

**Strike:** "CLARIFYING" on line 11 through "SENTENCE" on line 12

**Insert:** "REQUIRING THE DEPARTMENT OF JUSTICE TO REMOVE FROM ITS DRIVERS' RECORDS REFERENCES TO CONVICTIONS OF PERSONS UNDER 21 YEARS OF AGE FOR POSSESSION OF AN INTOXICATING SUBSTANCE"

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

2. Page 2, line 29.

**Strike:** "(a)"

3. Page 3, line 1.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

4. Page 3, line 8.

**Strike:** "(A)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

5. Page 3, line 17 through line 18.

**Strike:** subsection (b) in its entirety

6. Page 5, line 21.

**Insert:** "NEW SECTION. Section 3. Removal from drivers' records of references to convictions of persons under 21 years of age for possession of intoxicating substance. Within 30 days after [the effective date of this act], the department of justice shall remove from drivers' records that may be released under 61-11-105 all references to convictions for violations of 45-5-624 that were previously reported to the department."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

1/19/2001

**HB 27**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "TOWN;"

**Insert:** "PROVIDING FOR ABSOLUTE LIABILITY FOR A VIOLATION OF A CURFEW ORDINANCE;"

2. Page 1, line 16.

**Following:** "curfew"

**Insert:** "and provide exceptions for approved activities"

3. Page 1, line 24.

**Following:** "."

**Insert:** "Absolute liability, as provided for in 45-2-104, is imposed for a violation of this section."

And, as amended, do pass. Report adopted.

**HB 80**, do pass. Report adopted.

**HB 83**, do pass. Report adopted.

**HB 221**, do pass. Report adopted.

**MOTIONS**

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 19, 2001

Representative Sliter moved **HB 38** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsor was added to **HB 264**: Balyeat.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, January 20, 2001. Motion carried.

House adjourned at 3:41 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 20, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Kasten. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, and Vick, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/20/2001  
Correctly printed: **HB 27, HB 37, HB 80, HB 83, HB 99, HB 185, HB 191, HB 192, HB 195, HB 204, HB 221, 231.**  
Correctly engrossed: **HB 18, HB 50, HB 75, HB 91, HB 97, HB 103, HB 134, HB 145, HB 160, HB 218, HB 220.**  
Correctly enrolled: **HB 17.**  
Signed by the Speaker at 8:55 a.m., January 20, 2001: **HB 17.**

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 1/19/2001

**SB 58**, introduced by Halligan  
**SB 104**, introduced by Sprague  
**SB 142**, introduced by Sprague  
**SB 148**, introduced by Tester  
**SB 217**, introduced by Cobb

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 356**, introduced by Raser, Haines, Mahlum, Tramelli, referred to Natural Resources.  
**HB 357**, introduced by Fuchs, referred to Business and Labor.  
**HB 358**, introduced by Bales, Barrett, Devlin, Hedges, R. Holden, Lenhart, Matthews, Olson, Steinbeisser, Zook, referred to Education.  
**HB 359**, introduced by P. Clark, Eggers, Newman, referred to Judiciary.  
**HB 360**, introduced by P. Clark, referred to Judiciary.  
**HB 361**, introduced by B. Thomas, Adams, Berry, Davies, Hargrove, L. Holden, Jackson, Kasten, Lawson, Miller, Ripley, Rome, Steinbeisser, Waddill, Walters, J. Wells, Wolery, referred to Judiciary.  
**HB 362**, introduced by McKenney, Callahan, Christiaens, P. Clark, Cobb, Doherty, Franklin, Galvin-Halcro, Golie, Kitzenberg, Lehman, Mangan, Ripley, Roush, Ryan, Schmidt, Tester, Tramelli, Tropila, Whitaker, referred to Taxation.  
**HB 363**, introduced by Wanzenried, DePratu, Doherty, Gallus, Matthews, McNutt, Roush, Waterman, referred to Transportation.  
**HB 364**, introduced by Curtiss, referred to Federal Relations, Energy, and Telecommunications.

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Somerville in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 230** - Representative Price moved **HB 230** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Buzzas, P. Clark, Curtiss, Dell, Gillan, Gutsche, Wanzenried.

Total 7

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 3** - Representative Lee moved **HJR 3** be adopted. Motion carried as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Adams, Andersen, Bales, Balyeat, Barrett, R. Brown, Davies, Esp, Holden, Jackson, Kasten, Lawson, Lewis, McCann, Mood, Pattison, Shockley, Steinbeisser, Walters, Witt.

Total 20



HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Voted Absentee: Harris, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; McCann, Pattison, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 22** - Representative Sliter moved consideration of **HB 22** be passed for the day. Motion carried.

**HB 92** - Representative Gillan moved **HB 92** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Younkin, Mr. Speaker.  
Total 76

Noes: Adams, Balyeat, Davies, Esp, Facey, Fisher, Haines, Jackson, Kasten, Laszloffy, Lewis, McCann, Mood, Pattison, A. Peterson, K. Peterson, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.  
Total 23

Voted Absentee: Harris, Noennig, Tramelli, Tropila, Ayes; McCann, Pattison, Vick, Noes.

Excused: Rice.

Total 1

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Somerville moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, A. Peterson, K. Peterson, Price, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: None.

Total 0

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Excused: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick.  
Total 8

Absent or not voting: Esp, Raser, Schrumpf.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 18** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 50** passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 74

Noes: Adams, Balyeat, Bitney, Bookout-Reinicke, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fritz, Fuchs, Laible, Laszloffy, Masolo, Rome, Schrumpf, Sliter, Steinbeisser, Story, Vick, Waddill, Witt, Mr. Speaker.  
Total 26

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Ayes; Vick, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 75** passed as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bales, Barrett, Davies, Gutsche, Hurdle, Jayne, Kasten, Laslovich, Mangan, Matthews, Newman.

Total 11

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 91** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 97** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Kasten.

Total 2

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: Branae, Esp, Forrester, Hedges, Thomas, Waddill.

Total 6

**HB 103** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Absent or not voting: None.  
Total 0

**HB 134** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 96

Noes: Adams, Balyeat, Kasten, Mr. Speaker.  
Total 4

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 145** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Adams, Balyeat, Hurdle, Wanzenried.  
Total 4

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

**HB 160** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams, Kasten.

Total 2

Voted Absentee: Harris, McCann, Noennig, Pattison, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 220** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Fuchs, Kasten, Pattison.

Total 3

Voted Absentee: Harris, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Pattison, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Representative Sliter moved **HB 92** be taken from the Committee of the Whole and rereferred to Appropriations. There being no objections, so ordered.

Representative Lenhart requested on **HB 230**, third reading today, his vote be changed from no to yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, January 22, 2001. Motion carried.

House adjourned at 8:54 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 22, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Paul Clark. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Tramelli, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/22/2001  
Correctly engrossed: **HB 230, HJR 3.**

**APPROPRIATIONS** (Vick, Chairman): 1/19/2001  
**HB 21**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 9.

**Following:** "CHIPPEWA;" on line 7

**Strike:** remainder of line 7 through "COMMISSION;" on line 9

2. Page 1, line 20.

**Following:** "appointment"

**Insert:** "to 3-year staggered terms commencing on July 1 of each year of appointment"

3. Page 1, line 30 through page 2, line 2.

**Strike:** line 30 through page 2, line 2 in their entirety

**Renumber:** subsequent subsections

4. Page 2, line 8.

**Strike:** "2005"

**Insert:** "2003"

5. Page 2, line 25.

**Strike:** "2005"

**Insert:** "2003"

6. Page 2, line 26.

**Strike:** "2005"

**Insert:** "2003"

7. Page 3, line 20.

**Strike:** "2005"

**Insert:** "2003"

8. Page 3, line 21.

**Strike:** "2005"



HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

**Insert:** "2003"

9. Page 4, line 11 through page 5, line 1.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

10. Page 5, line 8.

**Strike:** "2005"

**Insert:** "2003"

And, as amended, do pass. Report adopted.

**HB 41**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 8.

**Following:** "APPROPRIATIONS;" on line 6

**Strike:** remainder of line 6 through "COUNTIES;" on line 8

2. Title, page 1, line 12.

**Following:** "SECTIONS"

**Strike:** "17-7-502, 20-9-343, 20-9-534,"

**Following:** "81-5-111,"

**Insert:** "AND"

**Following:** "82-4-311,"

**Strike:** "AND 90-6-331,"

3. Page 1, line 17 through page 3, line 21.

**Strike:** section 1 through section 3 in their entirety

**Renumber:** subsequent sections

4. Page 4, line 30 through page 5, line 6.

**Strike:** section 7 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 109**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "PROVIDING AN APPROPRIATION;"

**Insert:** "ENABLING STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO PUBLISH SEXUAL AND VIOLENT OFFENDER REGISTRATION ON THE INTERNET; AMENDING SECTION 46-23-508, MCA;"

2. Page 1, line 24.

**Following:** "community."

**Insert:** "The curriculum may be disseminated by any appropriate means, written or electronic, including by the internet."

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

3. Page 1, line 26 through line 28.

**Strike:** section 2 in its entirety

**Insert:** "**Section 2.** Section 46-23-508, MCA, is amended to read:

**"46-23-508. Dissemination of information.** (1) Information maintained under this part is confidential criminal justice information, as defined in 44-5-103, except that:

(a) the name and address of a registered sexual or violent offender are public criminal justice information, as defined in 44-5-103; and

(b) a law enforcement agency shall release any offender registration information relevant to the public if the agency determines that a registered offender is a risk to the safety of the community and that disclosure of the registration information may protect the public and, at a minimum:

(i) if an offender was given a level 1 designation under 46-23-509, the agency with which the offender is registered shall notify the agency in whose jurisdiction the offense occurred of the registration;

(ii) if an offender was given a level 2 designation under 46-23-509, the agency with which the offender is registered may disseminate the offender's name to the public with the notation that the offender is a sexual or violent offender and may notify a victim of the offense and any agency, organization, or group serving persons who have characteristics similar to those of a previous victim of the offender of:

(A) the offender's address;

(B) the type of victim targeted by the offense;

(C) the name, photograph, and physical description of the offender;

(D) the offenses for which the offender is required to register under this part; and

(E) any conditions imposed by the court upon the offender for the safety of the public; and

(iii) if an offender was given a level 3 designation under 46-23-509, the agency shall give the victim and the public notification that includes the information contained in subsection (1)(b)(ii). The agency shall also include the date of the offender's release from confinement or if not confined, the date the offender was sentenced, with a notation that the offender was not confined, and shall include the community in which the offense occurred.

(c) Prior to release of information under subsection (1)(b), a law enforcement agency may, in its sole discretion, request an in camera review by a district court of the determination by the law enforcement agency under subsection (1)(b). The court shall review a request under this subsection (1)(c) and shall, as soon as possible, render its opinion so that release of the information is not delayed beyond release of the offender from confinement.

(2) The identity of a victim of an offense for which registration is required under this part may not be released by a law enforcement agency without the permission of the victim.

(3) A state or local law enforcement agency may use the internet to disseminate the information allowed by this section to the public."

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

**HB 198**, introduced bill, be amended as follows:

1/22/2001

1. Title, line 5.

**Strike:** "PERSONS"

**Insert:** "BUSINESSES"

**Strike:** "MADE IN"

2. Title, lines 6 and 7.

**Following:** "PRODUCTS"

**Strike:** "OR" on line 6 through "SERVICES" on line 7

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

3. Page 1, line 11.

**Strike:** "made in"

4. Page 1, line 13 through line 14.

**Strike:** "allowing" on line 13 through "Montana" on line 14

**Insert:** "publishing a directory of Montana businesses that market products qualifying as made in Montana or grown in Montana"

5. Page 1, line 15 through line 16.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

6. Page 1, line 17.

**Strike:** "must"

**Insert:** "may"

7. Page 1, line 18.

**Strike:** "person"

**Insert:** "business"

8. Page 1, line 19.

**Following:** "access"

**Strike:** "an advertiser's"

**Insert:** "a business's"

**Following:** "website if the"

**Strike:** "advertiser"

**Insert:** "business"

**Following:** "and if the"

**Strike:** "advertiser"

**Insert:** "business"

9. Page 1, line 22.

**Strike:** "person advertising"

**Insert:** "business listed"

10. Page 1.

**Following:** line 22

**Insert:** "(3) For the purpose of this section, a product is considered made in Montana or grown in Montana if it has 50% or greater value-added within the state.

(4) For the purpose of this section, "value-added" means that 50% of the raw materials and 50% of the labor must be added in this state when arriving at a wholesale price of a product."

11. Page 1, line 29.

**Following:** "in"

**Strike:** "advertising"

**Insert:** "the business directory listing"

**Following:** "of"

**Strike:** "advertising"

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

**Insert:** "the business directory listing"

12. Page 1, line 30.

**Strike:** "advertising"

**Insert:** "the business directory listing"

13. Page 2, line 2.

**Strike:** "or provisions of services"

14. Page 2, line 3.

**Strike:** "advertise"

**Insert:** "list"

**Strike:** "or services"

And, as amended, do pass. Report adopted.

**HB 279**, introduced bill, be amended as follows:

1/19/2001

1. Title, line 10.

**Following:** "INTERNS;"

**Insert:** "AND"

2. Title, line 12 through line 13.

**Following:** "MCA" on line 12

**Strike:** ";" on line 12 through "MCA" on line 13

3. Page 6, line 4.

**Strike:** "verbal"

4. Page 6, line 27.

**Following:** "(b)"

**Strike:** "compounding, labeling, dispensing,"

**Following:** "administering,"

**Insert:** "drugs and devices pursuant to a collaborative practice agreement and compounding, labeling, dispensing,"

5. Page 7, line 24.

**Following:** "oral,"

**Insert:** "electronically transmitted,"

6. Page 7.

**Following:** line 28

**Insert:** "(32) "Utilization plan" means a plan under which a pharmacist may use the services of a pharmacy technician in the practice of pharmacy to perform tasks that:

(a) do not require the exercise of the pharmacist's independent professional judgment; and

(b) are verified by the pharmacist."

**Renumber:** subsequent subsection

7. Page 8, line 11.

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

**Following:** "using"

**Strike:** "the" through "Formulary"

**Insert:** "an official compendium recognized by the board"

8. Page 10, line 14.

**Strike:** "It"

**Insert:** "Except as provided in 37-7-307 through 37-7-309, it"

9. Page 12, line 5.

**Following:** "(+)"

**Insert:** "(1)"

10. Page 12, line 13.

**Following:** "-"

**Insert:** "(2) In addition to the penalty provided in subsection (1), the board may withdraw its approval of a utilization plan previously approved for a supervising pharmacist who: (a) violates any provision of 37-7-307 through 37-7-309 or rules adopted under those sections;  
(b) obtained the approval of the utilization plan through fraud; or  
(c) acts in a manner contrary to the terms of the utilization plan.  
(3) The board may seek an injunction to enforce the provisions of subsection (2)."

11. Page 14, line 4.

**Following:** "of"

**Strike:** "the" through "Formulary"

**Insert:** "an official compendium recognized by the board"

12. Page 14, line 7.

**Following:** "a"

**Insert:** "medical"

**Following:** "practitioner"

**Insert:** ", as defined in 37-2-101,"

13. Page 14, line 8.

**Following:** "administer"

**Insert:** "and prescribe"

14. Page 14, line 10.

**Following:** "of"

**Strike:** "the" through "Formulary"

**Insert:** "an official compendium recognized by the board"

15. Page 17.

**Following:** line 2

**Insert:** "(3) shall submit a utilization plan for the employment of pharmacy technicians if allowed by the state where the mail service pharmacy is located. If the state in which the pharmacy is located does not establish a ratio of technicians to pharmacists for determining the number of pharmacy technicians or otherwise define the role of the pharmacist in compounding or dispensing drugs at the pharmacy, then the out-of-state mail service pharmacy may not allow a pharmacist to supervise more than one supportive person at any one time in the

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

compounding or dispensing of prescription drugs, unless approved by the board as provided in 37-7-307 through 37-7-309."

**Renumber:** subsequent subsections

16. Page 17, line 5.

**Following:** "~~(2)~~"

**Insert:** "utilization plan, if any, for each pharmacist identified under subsection (2) and"

17. Page 20, line 12.

**Strike:** "both"

**Following:** "written"

**Insert:** ", electronically transmitted,"

18. Page 20, line 23 through line 24.

**Strike:** section 17 in its entirety

And, as amended, do pass. Report adopted.

**HB 300**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Following:** "policy"

**Insert:** "plus five times the amount of the deductible"

And, as amended, do pass. Report adopted.

**HB 309**, do pass. Report adopted.

1/22/2001

**HUMAN SERVICES** (Thomas, Chairman):

1/22/2001

**HB 296**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

1/22/2001

**HB 94**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Following:** "~~each~~"

**Strike:** "a"

**Insert:** "any"

And, as amended, do pass. Report adopted.

**HB 166**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "EASEMENTS;"

**Insert:** "RESTRICTING WHO MAY OWN THE CONSERVATION EASEMENT; PROVIDING SPECIAL RESTRICTIONS FOR WETLAND MITIGATION SITES;"

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

2. Page 1, line 16.

**Following:** "(2)"

**Insert:** "(a)"

3. Page 1.

**Following:** line 18

**Insert:** "(b)(i) The conservation easement must be held by a qualified easement holder defined, for the purpose of this part, as a private nonprofit organization, a land trust, or a state or federal agency.

(ii) The current landowner of the property from which the wetland mitigation site was sold must be given the right of first refusal to purchase the property.

(iii) The terms of any agreement to access the wetland mitigation site may not be expanded without the consent of the landowner of the property to which the access agreement applies."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

1/22/2001

**HB 74**, introduced bill, be amended as follows:

1. Page 1.

**Following:** line 12

**Insert:** "NEW SECTION. Section 2. Coordination instruction. (1) If either House Bill No. 294 or [LC0454] and [this act] are passed and approved, then [this act] must be amended by adding the following section:

**Insert:** "**Section 2.** Section 19-8-502, MCA, is amended to read:

**"19-8-502. Member's contribution.** (1) Each member is required to contribute into the pension trust fund ~~8.5%~~ 10% of the member's monthly compensation, which must be deposited to the member's credit in the pension trust fund.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions that would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages, as defined in 19-1-102, and the member's compensation as used to define the member's final average salary in 19-8-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board.""

(2) If either House Bill No. 294 or [LC0454] and Senate Bill No. 89 and [this act] are passed and approved, then [this act] must be amended by adding the following section:

**Insert:** "**Section 2.** Section 19-8-502, MCA, is amended to read:

**"19-8-502. Member's contribution.** (1) Each member is required to contribute into the pension trust fund ~~8.5%~~ 10.56% of the member's monthly compensation, which must be deposited to the member's credit in the pension trust fund.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions that would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages, as defined in 19-1-102, and the member's compensation as used to define the member's final average salary in 19-8-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board."

(3) If Senate Bill No. 89 and [this act] are both passed and approved, then [this act] must be amended by adding the following section:

**Insert: "Section 2.** Section 19-8-502, MCA, is amended to read:

**"19-8-502. Member's contribution.** (1) Each member is required to contribute into the pension trust fund ~~8.5%~~ 8.7% of the member's monthly compensation, which must be deposited to the member's credit in the pension trust fund.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions that would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages, as defined in 19-1-102, and the member's compensation as used to define the member's final average salary in 19-8-101. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board.""

And, as amended, do pass. Report adopted.

**HB 241**, do pass. Report adopted.

**HB 293**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/20/2001

**SB 28**, introduced by Halligan

**SB 30**, introduced by Mahlum

**SB 92**, introduced by Halligan

**SB 114**, introduced by Taylor

**SB 146**, introduced by Keenan

**SB 147**, introduced by Keenan

**SB 156**, introduced by Cocchiarella

**SB 184**, introduced by Cobb

**SB 209**, introduced by Waterman

**SB 235**, introduced by Cocchiarella

**FIRST READING AND COMMITMENT OF BILLS**



HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

The following House bills were introduced, read first time, and referred to committees:

**HB 365**, introduced by Whitaker, Bitney, Christiaens, DePratu, Forrester, Franklin, Fuchs, Gallus, Glaser, Golie, Halligan, Lee, Mangan, Matthews, McKenney, Ripley, Roush, Shea, Taylor, referred to Fish, Wildlife and Parks.

**HB 366**, introduced by Bixby, referred to Human Services.

**HB 367**, introduced by Facey, Mangan, referred to Taxation.

**HB 368**, introduced by Hedges, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Golie in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 80** - Representative Sliter moved consideration of **HB 80** be passed for the day. Motion carried.

Representative Smith excused at this time.

**HB 22** - Representative Lindeen moved **HB 22** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzonried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: K. Peterson.

Total 1

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 93** - Representative Gillan moved **HB 93** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: A. Peterson, K. Peterson.

Total 2

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Golie.

Total 1

**HB 120** - Representative McKenney moved **HB 120** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Devlin, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 76

Noes: Adams, Balyeat, Clancy, P. Clark, Curtiss, Davies, Dell, Esp, Fisher, Fuchs, Holden, Jackson, Kasten, Laszloffy, Masolo, McCann, Newman, Rice, Sliter, Story, Vick, Waddill, Younkin.

Total 23

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**HB 234** - Representative Lawson moved **HB 234** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Adams.

Total 1

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 7** - Representative McGee moved **HJR 7** be adopted.

**HJR 7** - Representative McGee moved **HJR 7**, second reading copy, be amended as follows :

1. Page 2, line 2.

**Strike:** "expenses"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bitney, Tramelli.

Total 2

Absent or not voting: None.

Total 0

Motion that **HJR 7**, as amended, be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 27** - Representative Musgrove moved **HB 27** do pass. Motion failed as follows:

Ayes: Bitney, Branae, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Esp, Facey, Forrester, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Himmelberger, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Somerville, Tramelli, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Fisher, Fritz, Fuchs, Gallik, Gutsche, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laszloffy, Masolo, Matthews, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Mr. Speaker.

Total 50

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Smith.

Total 1

**HB 37** - Representative Witt moved **HB 37** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Harris, Hurdle, Wanzenried.

Total 4

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 83** - Representative Matthews moved **HB 83** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 99** - Representative Devlin moved **HB 99** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome,

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Musgrove, Witt.

Total 2

**HB 185** - Representative Gallus moved **HB 185** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 191** - Representative Gallus moved **HB 191** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Noes: Adams, Balyeat, R. Brown, P. Clark, Davies, Laszloffy, A. Peterson, K. Peterson, Vick, Waitschies.  
Total 10

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 192** - Representative D. Mood moved **HB 192** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 76

Noes: Adams, R. Brown, Buzzas, P. Clark, Devlin, Fuchs, Gallik, Gillan, Golie, Kasten, Keane, Laszloffy, Lindeen, Mangan, McCann, Newman, Pattison, K. Peterson, Schmidt, Smith, Vick, Waddill, Wanzenried, Younkin.  
Total 24

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 195** - Representative Wolery moved **HB 195** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 80

Noes: Balyeat, Bixby, Buzzas, P. Clark, Eggers, Erickson, Fuchs, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Mangan, McKenney, Musgrove, Smith, Wanzenried.  
Total 20

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 221** - Representative Witt moved **HB 221** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood, Sliter.

Total 2

**HB 231** - Representative Lawson moved **HB 231** do pass. Motion carried as follows:

Ayes: Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Adams, Andersen, Bales, Balyeat, R. Brown, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fuchs, Haines, Himmelberger, Jackson, Kasten, Laible, McCann, Pattison, K. Peterson, Rice, Schrumpf, Steinbeisser, Story, Waitschies.

Total 25

Voted Absentee: Bitney, Tramelli, Ayes.



HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 27** - Representative Musgrove made a substitute motion that **HB 27** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Andersen, Balyeat, Davies, Harris, Jackson, Laszloffy, Ripley, Schrumpf, Vick, Walters.  
Total 10

Excused: Bitney, Tramelli.  
Total 2

Absent or not voting: Golie.  
Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Golie moved the Committee of the Whole report be adopted. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 218** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Adams, Balyeat, Esp, Jackson, Kasten, McCann, Mood, Vick.  
Total 8

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Clancy, Forrester, Harris, Pattison, Ripley.

Total 5

**HB 230** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Buzzas, Curtiss, Fuchs, Gutsche, Laszloffy.

Total 5

Voted Absentee: Bitney, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 3** adopted as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Adams, Andersen, Bales, Balyeat, Barrett, R. Brown, Brueggeman, Davies, Esp, Himmelberger, Jackson, Kasten, Laible, Lawson, Lewis, McCann, Mood, Pattison, Ripley, Steinbeisser, Vick, Walters, Witt.

Total 23

Voted Absentee: Bitney, Tramelli, Ayes.

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Sliter moved that **HB 27** be taken from the Committee of the Whole and rereferred to the Committee on Judiciary. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

1/22/2001

**HB 146**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Strike:** "[Section 16]"

**Insert:** "[section 21]"

2. Page 8, line 24.

**Strike:** "subaccounts"

**Insert:** "accounts"

3. Page 10, line 10 through line 12.

**Strike:** subsection (8) in its entirety

4. Page 13, line 8 through line 10.

**Strike:** "The" on line 8 through "age," on line 10

5. Page 17, line 8 through line 10.

**Strike:** "." on line 8 through "an adult" on line 10

**Insert:** "unless the court finds that the youth presents a danger to the public safety and that the placement is recommended by a mental health professional after evaluation of the youth"

6. Page 18, line 5.

**Strike:** "department"

**Insert:** "youth court"

7. Page 20, line 12.

**Strike:** "(a)"

8. Page 20, line 14 through line 16.

**Strike:** subsection (b) in its entirety

9. Page 20, line 17.

**Strike:** "a subaccount"

**Insert:** "an account"

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

10. Page 20, line 18.

Page 20, line 24.

Page 20, line 25.

Page 20, line 30.

**Strike:** "subaccount"

**Insert:** "account"

11. Page 20, line 19.

**Strike:** "subaccounts"

**Insert:** "accounts"

12. Page 20, line 21 through line 23.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

13. Page 20, line 26.

**Strike:** "Subaccount"

**Insert:** "Account"

14. Page 21, line 5 through line 6.

**Strike:** subsection (8) in its entirety

15. Page 21, line 25 through line 26.

**Strike:** "to administer" on line 25 through "[section 16]" on line 26

16. Page 22, line 6 through line 7.

**Strike:** "in the" on line 6 through "fund" on line 7

**Insert:** "appropriated for purposes of this section"

17. Page 22, line 11.

**Strike:** "subaccount"

**Insert:** "account"

18. Page 22, line 12.

**Strike:** "fund"

**Insert:** "review panel"

19. Page 22, line 24.

**Strike:** "subaccount"

**Insert:** "account"

20. Page 22, line 25.

**Strike:** "subaccounts"

**Insert:** "accounts"

21. Page 22, line 27.

**Strike:** "subaccount"

**Insert:** "account"

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

22. Page 23, line 3.

**Following:** " ; "

**Insert:** "and"

23. Page 23, lines 4 and 5.

**Strike:** subsection (k) in its entirety

**Renumber:** subsequent subsections

24. Page 23, line 13.

**Strike:** "subaccounts"

**Insert:** "accounts"

25. Page 23, line 17 through line 18.

**Strike:** section 21 in its entirety

**Insert:** "NEW SECTION. Section 21. Statutory appropriation. There is statutorily appropriated, as provided in 17-7-502, \$800,000 from the general fund in each fiscal year to the department of corrections to be used to administer the cost containment program established in [section 18]."

26. Page 23, line 19.

**Insert:** "NEW SECTION. Section 22. Program progress and report. The department of corrections shall develop a system of outcome measures during the first 6 months of the operation of the program established in [section 16], use the system to evaluate the progress of the program, and report to the legislature in the manner provided in 5-11-210."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 157**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "5 years"

**Insert:** "13 months"

2. Page 1, line 23.

**Strike:** "\$5,000"

**Insert:** "\$1,500"

And, as amended, do pass. Report adopted.

**HB 165**, introduced bill, be amended as follows:

1. Page 2, line 4.

**Following:** "remains"

**Insert:** "are not property"

2. Page 2, line 5.

**Following:** "and"

**Insert:** "that"

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2001

**Following:** "not"

**Strike:** "property"

**Insert:** "abandoned when interred"

**Following:** "."

**Insert:** "Discoverers, therefore, have no right of ownership, and they cannot confer a right of ownership to another."

3. Page 2, line 6.

**Following:** "person"

**Insert:** ", other than a descendant or culturally affiliated group,"

4. Page 2, line 7.

**Following:** "compensation"

**Insert:** "because the person who buried the deceased and interred funerary objects with the deceased did not through interment abandon a property interest in the objects, but intended for those objects to remain with the deceased"

5. Page 3, line 22.

**Following:** "remains"

**Insert:** "at a burial site"

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, January 24, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 23, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Smith and Tramelli, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**COMMUNICATIONS AND PETITIONS**

Speaker McGee appointed the following representative to the Gaming Advisory Council:

Representative Witt

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/23/2001  
Correctly printed: **HB 21, HB 41, HB 74, HB 94, HB 109, HB 146, HB 157, HB 165, HB 166, HB 198, HB 241, HB 279, HB 293, HB 296, HB 300, HB 309.**  
Correctly engrossed: **HB 22, HB 37, HB 83, HB 93, HB 99, HB 120, HB 185, HB 191, HB 192, HB 195, HB 221, HB 231, HB 234, HJR 7.**

**NATURAL RESOURCES** (Younkin, Chairman): 1/23/2001  
**HB 40**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "FUND"

**Insert:** "FOR AN ADDITIONAL 3 YEARS"

2. Title, line 7.

**Strike:** "2013"

**Insert:** "2016"

3. Title, line 10.

**Following:** "ACCOUNT"

**Insert:** "FOR AN ADDITIONAL 3 YEARS"

**Strike:** "SECTION 17-5-703, MCA, AND"

4. Page 1, line 15 through page 4, line 12.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

5. Page 4, line 15.

**Strike:** "[Sections 1 and 3 through 5]"

**Insert:** "[This act]"

**Strike:** "terminate"

**Insert:** "terminates"

**Strike:** "2013"

**Insert:** "2016"

And, as amended, do pass. Report adopted.

**HB 114**, introduced bill, be amended as follows:

1. Page 8, line 4.

**Following:** "recorders-" on line 4

**Insert:** "The department shall make the forms available through its offices."

2. Page 9, line 2.

**Following:** "recorders" on line 2

**Insert:** "through its offices"

3. Page 10, line 13.

**Following:** "recorders" on line 13

**Insert:** "through its offices"

And, as amended, do pass. Report adopted.

**HB 129**, introduced bill, be amended as follows:

1. Page 6.

**Following:** line 4

**Insert:** "(c) The provisions of this subsection (15) do not apply to an appropriation right abandoned under 85-2-404.

(d) For each well that is replaced under this subsection (15), the appropriator shall follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202."

**Renumber:** subsequent subsection

2. Page 10.

**Following:** line 27

**Insert:** "(c) The provisions of this subsection (15) do not apply to an appropriation right abandoned under 85-2-404.

(d) For each well that is replaced under this subsection (15), the appropriator shall follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202."

**Renumber:** subsequent subsection

3. Page 15.

**Following:** line 19

**Insert:** "(c) The provisions of this subsection (15) do not apply to an appropriation right abandoned under 85-2-404.



HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

(d) For each well that is replaced under this subsection (15), the appropriator shall follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

1/23/2001

**HB 78**, do pass. Report adopted.

**HB 148**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/22/2001

**SB 11**, introduced by Shea

**SB 105**, introduced by Mahlum

**SB 152**, introduced by Mahlum

**SB 175**, introduced by Glaser

**SB 203**, introduced by Cole

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 294**, referred to State Administration.

**HB 369**, introduced by Laslovich, Cyr, Erickson, Jent, Keane, Waddill (by request of the Attorney General), referred to Taxation.

**HB 370**, introduced by K. Peterson, referred to State Administration.

**HB 371**, introduced by Lee, referred to Local Government.

**HB 372**, introduced by Hurdle, Branae, E. Clark, Eggers, Facey, Pattison, A. Peterson, Wanzenried, referred to State Administration.

**HB 373**, introduced by Schmidt (by request of the Attorney General), referred to Transportation.

**HB 374**, introduced by Eggers, Bixby, Fritz, Galvin-Halcro, Gutsche, Jayne, Juneau, Pease, referred to Federal Relations, Energy, and Telecommunications.

**HB 375**, introduced by Carney (by request of the Attorney General), referred to Transportation.

**HB 376**, introduced by Lindeen, referred to State Administration.

**HB 377**, introduced by Somerville, Story, referred to Taxation.

**HB 378**, introduced by Lee, P. Clark, Facey, Gallik, Laszloffy, referred to Taxation.

**HB 379**, introduced by Galvin-Halcro, Bookout-Reinicke, Keane, Lawson, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading,

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

recommend as follows:

Representative R. Brown moved consideration of **HB 80** and **HB 300** be passed for the day. Motion carried.

**HB 177** - Representative Keane moved **HB 177** do pass.

**HB 177** - Representative Story moved for cloture. Motion carried.

Motion that **HB 177** do pass carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Schruppf, Sliter, Smith, Somerville, Steinbeisser, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery.

Total 69

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Davies, Devlin, Esp, Fisher, Hedges, Himmelberger, Kasten, Laible, McCann, Mood, Pattison, K. Peterson, Ripley, Shockley, Story, Thomas, Vick, Waitschies, Walters, Witt, Younkin, Mr. Speaker.

Total 31

Voted Absentee: Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 204** - Representative Bitney moved **HB 204** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 66

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Wanzenried.

Total 33

Voted Absentee: Tramelli, Aye; Smith, No.

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

Excused: None.  
Total 0

Absent or not voting: Shockley.  
Total 1

**HB 241** - Representative B. Thomas moved **HB 241** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Smith, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: Devlin, Schmidt.  
Total 2

**HB 293** - Representative Harris moved **HB 293** do pass. Motion carried as follows:

Ayes: Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin.  
Total 73

Noes: Adams, Andersen, Bales, Balyeat, R. Brown, Brueggeman, Curtiss, Davies, Fisher, Fuchs, Haines, Holden, Kasten, Laible, Laszloffy, McKenney, K. Peterson, Price, Rice, Sliter, Somerville, Steinbeisser, Story, Waitschies, Whitaker, Mr. Speaker.  
Total 26

Voted Absentee: Smith, Tramelli, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

Absent or not voting: Schrumpf.  
Total 1

**HB 296** - Representative Schrumpf moved **HB 296** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery.  
Total 72

Noes: Adams, Balyeat, R. Brown, Brueggeman, Davies, Devlin, Fisher, Fuchs, Holden, Kasten, Laible, Laszloffy, Lewis, Mangan, Mood, Pattison, A. Peterson, Rome, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Younkin, Mr. Speaker.  
Total 28

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 279** - Representative McKenney moved **HB 279** do pass. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Adams, Andersen, Balyeat, Schrumpf.  
Total 4

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fritz, Sliter.  
Total 2

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

**HB 309** - Representative Younkin moved **HB 309** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Curtiss.

Total 1

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Lindeen.

Total 1

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Gillan.

Total 1

Excused: Smith, Tramelli.

Total 2

Absent or not voting: Dale, Mangan, Schmidt.

Total 3

**THIRD READING OF BILLS**

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 22** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: K. Peterson.

Total 1

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

**HB 37** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Eggers, Harris, Hurdle.

Total 3

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

**HB 83** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Schmidt.

Total 1

**HB 93** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: A. Peterson, K. Peterson.

Total 2

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 99** passed as follows:

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 120** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 83

Noes: Adams, Balyeat, Clancy, Davies, Esp, Fuchs, Holden, Jackson, Kasten, Laszloffy, Masolo, Newman, Rice, Story, Vick, Waddill, Younkin.

Total 17

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 185** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson,



HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: McCann.

Total 1

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Carney, Lehman, Witt.

Total 3

**HB 191** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Adams, Balyeat, R. Brown, E. Clark, P. Clark, Davies, Kasten, Lawson, McCann, K. Peterson, Sliter, Steinbeisser, Waitschies.

Total 13

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

**HB 192** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Davies, Dell, Erickson, Esp, Facey, Forrester, Fritz, Gallus, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson,

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 73

Noes: Adams, R. Brown, Buzzas, P. Clark, Curtiss, Devlin, Eggers, Fisher, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Himmelberger, Keane, Laszloffy, Mangan, McCann, Musgrove, Newman, K. Peterson, Schmidt, Smith, Vick, Waddill, Wanzenried, Younkin.

Total 27

Voted Absentee: Dale, Tramelli, Ayes; Smith, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 195** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Bixby, Branae, Buzzas, P. Clark, Erickson, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Mangan, McKenney, Schmidt, Whitaker.

Total 20

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Lehman.

Total 1

**HB 221** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 231** passed as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Adams, Andersen, Balyeat, R. Brown, Davies, Dell, Devlin, Fuchs, Himmelberger, Kasten, Laible, McCann, Pattison, Steinbeisser, Story, Vick, Waitschies.

Total 17

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 234** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

Total 99

Noes: None.

Total 0

Voted Absentee: Dale, Smith, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**MOTIONS**

Representative Sliter moved **HB 177** and **HB 296** be taken from third reading and rereferred to the Committee on Appropriations. Motion carried.

Representative Newman requested on **HB 204**, second reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Shockley requested on **HB 296**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Shockley requested on **HB 99**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Thomas, Chairman):

1/23/2001

**HB 175**, do pass. Report adopted.

**HJR 1**, introduced joint resolution, be amended as follows:

1. Page 2, line 27.

**Strike:** the last "and"

2. Page 2.

**Following:** line 27

**Insert:** "(6) children needing mental health services and the child mental health services system; and"

**Renumber:** subsequent subsection

And, as amended, be adopted. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, January 24, 2001. Motion

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 23, 2001

carried.

House adjourned at 3:43 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
NINETEENTH LEGISLATIVE DAY**

Helena, Montana  
January 24, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Anderson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Representative Jacobson led the House in a round of Happy Anniversary for Representative Musgrove and his wife.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/24/2001  
Correctly printed: **HB 40, HB 78, HB 108, HB 110, HB 114, HB 129, HB 148, HB 156, HB 175, HB 208, HB 223, HB 249, HB 267, HJR 1.**  
Correctly engrossed: **HB 204, HB 241, HB 279, HB 293, HB 309.**  
Delivered to the Governor for her approval at 8:35 a.m., January 24, 2001: **HB 17.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/23/2001  
**HB 307**, do pass. Report adopted.  
**HB 308**, introduced bill, be amended as follows:

1. Title, line 4.  
**Strike:** "1 YEAR"  
**Insert:** "3 YEARS"

2. Page 1, line 30.  
**Strike:** "1 year"  
**Insert:** "3 years"

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman): 1/23/2001  
**HB 108**, do pass. Report adopted.  
**HB 110**, do pass. Report adopted.  
**HB 249**, do pass. Report adopted.  
**HB 267**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman): 1/24/2001  
**HB 142**, introduced bill, be amended as follows:

1. Title, line 6.  
**Following:** "NONRESIDENT"  
**Strike:** "BEAR AND"

2. Title, line 7.  
**Following:** "DISTRICTS"

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

**Insert:** "IN REGION 1"

3. Title, line 8.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

4. Page 2, line 21.

**Following:** "nonresident"

**Strike:** "bear and"

**Following:** "districts"

**Insert:** "in region 1"

5. Page 2, line 23.

**Following:** "hunt"

**Strike:** "bear and"

6. Page 2, line 24.

**Following:** "districts"

**Insert:** "in region 1"

7. Page 2, line 26 through line 27.

**Following:** "necessary" on line 26

**Strike:** remainder of line 26 through "districts" on line 27

**Insert:** "and appropriate to regulate the harvest of mountain lions by nonresident mountain lion hunters based on biologically sound management practices"

8. Page 3, line 28.

**Following:** "nonresident"

**Strike:** "bear and"

**Following:** "districts"

**Insert:** "in region 1"

9. Page 3, line 30.

**Following:** "hunt"

**Strike:** "bear and"

10. Page 4, line 1.

**Following:** "districts"

**Insert:** "in region 1"

11. Page 4, line 3 through line 4.

**Following:** "necessary" on line 3

**Strike:** remainder of line 3 through "districts" on line 4

**Insert:** "and appropriate to regulate the harvest of mountain lions by nonresident mountain lion hunters based on biologically sound management practices"

12. Page 4.

**Following:** line 8

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

**Insert:** "NEW SECTION. Section 3. Termination. [This act] terminates April 30, 2004."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/23/2001

**HB 156**, introduced bill, be amended as follows:

1. Page 1, line 15 through line 25.

**Strike:** "primary" on line 15 through "interest" on line 25

**Insert:** "vehicle offered or posted for sale is not registered to the person offering or posting it for sale or to a household or family member of the person offering or posting it for sale"

**Renumber:** subsequent subsection

2. Page 1, line 26.

**Strike:** "convicted of violating"

**Insert:** "who violates"

**Strike:** "is guilty of a misdemeanor and"

3. Page 1, line 27.

**Strike:** "fine"

**Insert:** "civil penalty"

4. Page 1, line 28.

**Strike:** "considered a separate offense"

**Insert:** "subject to a separate civil penalty"

5. Page 2, line 4.

**Strike:** "\$100"

**Insert:** "\$150 a set"

**Strike:** "one set"

**Insert:** "up to two sets"

6. Page 2, line 7.

**Strike:** "to a nonprofit corporation or association organized and operated"

7. Page 2, line 8 through line 9.

**Strike:** "Loan" on line 8

**Insert:** "A loan"

**Strike:** "to an" on page 2, line 8 through "association" on page 2, line 9

8. Page 2, line 13.

**Strike:** "corporation or association"

**Insert:** "person or entity"

9. Page 2, line 14.

**Strike:** "from the corporation or association"



HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

10. Page 2, line 17.

Page 2, line 18.

Page 2, line 20.

**Strike:** "corporation or association"

**Insert:** "person or entity"

11. Page 2, line 21 through line 23.

**Strike:** subsection (7) in its entirety

**Renumber:** subsequent subsection

12. Page 2, line 24.

**Strike:** "A"

**Insert:** "If a"

**Strike:** "who"

**Following:** "person"

**Insert:** "or entity"

13. Page 2, line 25 through line 26.

**Strike:** "is guilty" on page 2, line 25 through "61-4-105" on page 2, line 26

**Insert:** ", the department may suspend the right to use the courtesy plates for a period not to exceed 6 months"

14. Page 3, line 4.

**Strike:** "is"

**Insert:** "are"

And, as amended, do pass. Report adopted.

**HB 208**, introduced bill, be amended as follows:

1. Page 3, line 21.

**Following:** "committed"

**Insert:** ", except that if the contempt arose from the violation of an order of the court issued after a hearing on the merits of the subject of the order, the judge who issued the order may punish the contempt or compel compliance with the order unless it is shown that the judge would not be impartial in addressing the contempt"

And, as amended, do pass. Report adopted.

**HB 223**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** line 18

**Strike:** "adjudication may be completed and disposition may proceed"

**Insert:** "the court may grant the following relief, pending service by publication on the parent who cannot be identified or found and"

2. Page 1, line 20.

**Following:** "child"

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

**Insert:** ":

- (a) immediate protection and emergency protective services;
- (b) temporary investigative authority; and
- (c) temporary legal custody"

3. Page 1, line 24.

**Following:** the second "stating"

**Strike:** "what"

**Insert:** "the diligent"

4. Page 1, line 25.

**Following:** line 24

**Strike:** "have been"

5. Page 2, line 3.

**Following:** "address"

**Insert:** "and believed whereabouts"

6. Page 3, line 4.

**Following:** "filed,"

**Strike:** "adjudication may be completed and disposition may proceed"

**Insert:** "the court may grant the following relief, pending service by publication on the putative father and"

7. Page 3, line 5.

**Following:** "child"

**Insert:** ":

- (a) immediate protection and emergency protective services;
- (b) temporary investigative authority; and
- (c) temporary legal custody"

8. Page 3, line 5.

**Following:** "."

**Insert:** "(4)"

**Renumber:** subsequent subsection

9. Page 8, line 20.

**Strike:** "4"

**Insert:** "1"

10. Page 8, line 20.

**Following:** second "chapter 3,"

**Strike:** "part"

11. Page 8, line 21.

**Strike:** "4,"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

**STATE ADMINISTRATION** (Walters, Chairman):

1/24/2001

**HB 311**, do pass. Report adopted.

**HJR 8**, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/23/2001

**SB 60**, introduced by McCarthy

**SB 150**, introduced by Hargrove

**SB 153**, introduced by O'Neil

**SB 180**, introduced by Beck

**SB 182**, introduced by Cobb

**SB 123**, introduced by Bohlinger, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

1/23/2001

Yeas - 32

Nays - 18

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 380**, introduced by Eggers (by request of the State Auditor), referred to Business and Labor.

**HB 381**, introduced by Noennig, referred to Taxation.

**HB 382**, introduced by Whitaker, Berry, Bitney, Christiaens, Forrester, Mahlum, McNutt, Miller, Sliter, referred to Business and Labor.

**HB 383**, introduced by Younkin, referred to State Administration.

**HB 384**, introduced by Facey, referred to Education.

**HB 385**, introduced by Walters, referred to Business and Labor.

**HB 386**, introduced by Fuchs, Haines, Whitaker, referred to Business and Labor.

**HB 387**, introduced by Hedges, referred to Agriculture.

**HB 388**, introduced by Golie, referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 9**, introduced by Lindeen, referred to Human Services.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

**HB 80** - Representative Smith moved **HB 80** do pass.

**HB 80** - Representative Juneau moved **HB 80**, second reading copy, be amended as follows :

1. Title, page 1, lines 6 and 7.

**Following:** the first "ADMINISTRATOR" on line 6

**Strike:** remainder of line 6 through "INFORMATION" on line 7

2. Page 1, lines 11 and 12.

**Following:** "address"

**Strike:** remainder of line 11 through "address" on line 12

**Following:** "."

**Strike:** "(1)"

3. Page 1, lines 16 and 17.

**Strike:** subsection (2) in its entirety

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lindeen, Mangan, Matthews, Newman, K. Peterson, Raser, Ripley, Schmidt, Tramelli, Tropila.

Total 35

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 80** - Representative Smith moved **HB 80** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Golie, Haines, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lenhart, Lewis, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Rome, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik,

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lindeen, Mangan, Matthews, Newman, K. Peterson, Raser, Ripley, Schmidt, Shockley, Tramelli, Tropila, Waddill, Wanzenried.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 300** - Representative Wanzenried moved **HB 300** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wolery.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Buzzas, Carney, Cyr, Gutsche, Juneau, Laslovich, Lindeen, Raser, Schmidt.

Total 10

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

Excused: None.  
Total 0

Absent or not voting: Vick.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 204** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 71

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lindeen, Mangan, Newman, Raser, Schmidt, Tramelli, Wanzenried.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 241** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 279** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams, Balyeat.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 293** passed as follows:

Ayes: Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Wolery, Younkin.

Total 76

Noes: Adams, Andersen, Bales, Balyeat, R. Brown, Brueggeman, Dale, Davies, Fuchs, Holden, Kasten, Laible, Masolo, McKenney, K. Peterson, Price, Rice, Steinbeisser, Story, Waitschies, Whitaker, Mr. Speaker.

Total 22

Excused: None.

Total 0

Absent or not voting: Sliter, Witt.

Total 2

**HB 309** passed as follows:

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Matthews.

Total 1

**HJR 7** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bixby.

Total 1

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

1/24/2001

**HB 196**, introduced bill, be amended as follows:

1. Page 1, line 21.

**Following:** "corrections"

**Insert:** "and the sentence is not a deferred or suspended sentence with probation"



HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

2. Page 1, line 29.

**Following:** "corrections"

**Insert:** "and the sentence is not a deferred or suspended sentence with probation"

And, as amended, do pass. Report adopted.

**HB 216**, introduced bill, be amended as follows:

1. Page 2, line 23.

**Strike:** "\$100"

**Insert:** "\$200"

2. Page 3, line 1.

**Strike:** "\$200"

**Insert:** "\$300"

3. Page 3, line 8.

**Strike:** "\$300"

**Insert:** "\$400"

4. Page 3, line 21.

**Strike:** "\$50"

**Insert:** "\$150"

5. Page 3, line 23.

**Strike:** "\$100"

**Insert:** "\$200"

6. Page 3, line 27.

**Strike:** "\$200"

**Insert:** "\$300"

7. Page 4, line 9.

**Strike:** "."

8. Page 4, line 12 through line 15.

**Strike:** subsections (a) and (b) in their entirety

**Insert:** "shall be fined an amount not to exceed \$150 if the person was 18 years of age or older at the time that the offense was committed or \$200 if the person was under 18 years of age at the time that the offense was committed."

9. Page 5, line 7.

**Strike:** "\$35"

**Insert:** "\$50"

10. Page 5, line 16.

**Strike:** "an amount not less than \$250"

**Insert:** "\$50"

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

11. Page 5, line 18.

**Strike:** "less than \$500"

**Insert:** "to exceed \$100"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

1/24/2001

**HB 55**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "ELECTION;"

**Insert:** "CLARIFYING THE TIME LIMITS FOR REACTIVATION OF AN ELECTOR;"

2. Page 1, line 19.

**Following:** "(1)(a),"

**Strike:** "(1)(b), or (1)(c),"

3. Page 1, line 21.

**Following:** "(3)"

**Strike:** "To be effective for a nonfederal election, a reactivation"

**Insert:** "Reactivation"

And, as amended, do pass. Report adopted.

**SB 87**, be concurred in. Report adopted.

**MOTIONS**

Representative Gallus requested on **HB 204**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Jayne requested on **HB 177**, second reading yesterday, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Sliter moved **HB 196** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 200**: Clancy, Pattison, A. Peterson, Rice, and Wells.

The following cosponsors were added to **HB 201**: Clancy, Kasten, Pattison, A. Peterson, and Wells.

The following cosponsors were added to **HB 202**: Clancy, Curtiss, Kasten, Pattison, A. Peterson, Rice, B. Thomas, and Wells.

The following cosponsors were added to **HB 203**: Clancy, Kasten, Pattison, A. Peterson, B. Thomas, and Wells.

The following cosponsors were added to **HB 356**: Raser, Waddill, and Wanzenried.

**ANNOUNCEMENTS**

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 24, 2001

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, January 25, 2001. Motion carried.

House adjourned at 2:03 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTIETH LEGISLATIVE DAY**

Helena, Montana  
January 25, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Himmelberger. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/25/2001  
Correctly printed: **HB 55, HB 142, HB 196, HB 216, HB 307, HB 308, HJR 8, SJR 87.**  
Correctly engrossed: **HB 80, HB 300.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/25/2001  
**HB 139**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PRECAUTIONS;"

**Insert:** "REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ADOPT RULES AND A CERTIFICATION PROCESS RELATED TO FIRE PRECAUTIONS;"

2. Page 1, lines 11 and 12.

**Following:** "means the"

**Strike:** "line" on line 11 through "fuels" on line 12

**Insert:** "area where human developments meet or intermix with wildland fuels and result in the following conditions:

(a) interface conditions where there is a clear line of demarcation between the structures and the wildland fuels along roads or back fences;

(b) intermix conditions where structures are scattered throughout a wildland area and there is no clear line of demarcation;

(c) occluded conditions where structures abut an island of wildland fuels and there is a clear line of demarcation; and

(d) rural conditions where scattered small clusters of structures are exposed to wildland fuels"

3. Page 1, line 14.

**Strike:** "must"

**Insert:** "may"

4. Page 1, line 15.

**Following:** "who"

**Insert:** "has taken fire prevention measures, including but not limited to"

5. Page 1, line 16.

**Strike:** "has used"

**Insert:** "using"

**Following:** "resistive"

**Insert:** "or"

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

6. Page 1, line 17.

**Following:** "roofing"

**Insert:** "or coating"

7. Page 1, line 18.

**Strike:** "maintains"

**Insert:** "maintaining"

**Strike:** "and"

8. Page 1, line 19.

**Strike:** "provides"

**Insert:** "providing"

9. Page 1, line 20.

**Following:** "structures"

**Insert:** "; and (d) receiving a certification from the department of natural resources and conservation stating that the insured has taken the precautionary measures pursuant to subsections (2)(a) through (2)(c)"

10. Page 1, lines 23 through 26.

**Strike:** subsection (4) in its entirety

**Insert:** "(4) The department of natural resources and conservation shall develop, in cooperation with any local government entity or federal land management agency, as appropriate, guidelines and procedures to be used in certifying that fire prevention measures have been taken to reduce the impact of fire damage to residential and commercial property located in a wildland-urban interface area.

(5) The department of natural resources and conservation shall adopt rules for the guidelines, specifications, and definitions for fire prevention measures pursuant to subsections (2)(a) through (2)(c).

(6) If fire prevention measures meeting the department of natural resources and conservation's guidelines have been taken, the department shall provide to the insured, at the insured's request, a fire prevention certificate."

And, as amended, do pass. Report adopted.

**HB 333**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Strike:** "60"

**Insert:** "30"

2. Page 2, line 10.

**Strike:** "may"

**Insert:** "must"

3. Page 2, line 25.

**Strike:** "60"

**Insert:** "30"

4. Page 3, line 1.

**Strike:** "claims arising"

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

**Insert:** "accidents occurring"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 1/24/2001  
**HJR 4**, introduced joint resolution, be amended as follows:

1. Title, lines 6 and 7.

**Following:** "ELECTORS" on line 6

**Strike:** remainder of line 6 through "RETURNS" on line 7

2. Page 1, lines 23 and 24.

**Following:** "electors" on line 23

**Strike:** remainder of line 23 through "returns" on line 24

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 1/24/2001

**SB 51**, introduced by Hargrove

**SB 149**, introduced by Grosfield

**SB 185**, introduced by Cobb

**SB 199**, introduced by Taylor

**SB 214**, introduced by Tash

**SB 228**, introduced by Ekegren

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 389**, introduced by Lawson, referred to Business and Labor.

**HB 390**, introduced by Shockley, referred to Judiciary.

**HB 391**, introduced by Cyr, Harrington, Newman (by request of the Attorney General), referred to Transportation.

**HB 392**, introduced by Masolo, Barrett, Bookout-Reinicke, Gallus, Stonington, Toole, Younkin, referred to Taxation.

**HB 393**, introduced by Mangan, Bookout-Reinicke, Callahan, Christiaens, Newman, referred to Judiciary.

**HB 394**, introduced by Kaufmann, Bishop, Bohlinger, Doherty, Erickson, Gillan, Golie, Halligan, Juneau, Kitzenberg, Lawson, Mangan, Nelson, referred to Business and Labor.

**HB 395**, introduced by B. Thomas, Berry, Bohlinger, R. Brown, Callahan, Christiaens, Clancy, E. Clark, Cobb, Cocchiarella, Cole, Curtiss, Doherty, Ekegren, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Haines, Halligan, L. Holden, Jergeson, Kaufmann, Keenan, Kitzenberg, Laszloffy, Lawson, Lehman, Mangan, McCarthy, McKenney, Mood, Newman, Price, Ripley, Rome, Roush, Ryan, Schmidt, Somerville, Tash, Tester, Tropila, Waddill, Waterman, Whitaker, Witt, Wolery, Younkin, referred to Human Services.

**HB 396**, introduced by K. Peterson, referred to Judiciary.

**HB 397**, introduced by Jackson, referred to Agriculture.

**HB 398**, introduced by Gutsche, P. Clark, Haines, referred to Fish, Wildlife and Parks.

**HB 399**, introduced by McKenney, referred to Taxation.

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

**HB 400**, introduced by Wanzenried, Bishop, Bohlinger, Gallik, Schmidt, referred to Business and Labor.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 10**, introduced by Vick, Balyeat, Beck, Berry, Bitney, D. Brown, Clancy, Cole, Davies, DePratu, Ekegren, Ellis, Esp, Glaser, Golie, Grimes, Hargrove, Hedges, Jent, Keenan, Kitzenberg, Lenhart, Lewis, Mahlum, Mangan, Masolo, McGee, Miller, Mood, Roush, Shea, Sliter, Somerville, Sprague, Story, Tash, B. Thomas, Walters, Wells, Witt, Younkin, referred to Federal Relations, Energy, and Telecommunications.

**HJR 11**, introduced by Tropila, Bixby, Christiaens, Cyr, Eggers, Gallus, Galvin-Halcro, Golie, Jayne, Juneau, Newman, Pease, Roush, Schmidt, Schruppf, Waterman, Whitaker, Witt, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 21** - Representative Eggers moved **HB 21** do pass. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Pattison, A. Peterson, Price, Raser, Schmidt, Shockley, Smith, Story, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 59

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Clancy, Curtiss, Dale, Davies, Esp, Fisher, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McKenney, Mood, Olson, K. Peterson, Rice, Ripley, Rome, Schruppf, Sliter, Somerville, Steinbeisser, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 41** - Representative Witt moved **HB 41** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Galvin-Halcro, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood,

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Bixby, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Lawson, Lee, Newman, Raser, Schmidt, Wanzenried.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 74** - Representative E. Clark moved **HB 74** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Dale, Dell, Fuchs, Kasten, Story, Vick.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 94** - Representative Gillan moved **HB 94** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100



HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 109** - Representative Mangan moved **HB 109** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Fritz.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 146** - Representative Shockley moved **HB 146** do pass.

**HB 146** - Representative Mangan expressed a conflict of interest and abstained from voting.

**HB 146** - Representative K. Peterson moved **HB 146**, second reading copy, be amended as follows :

1. Page 10, lines 4 through 7.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsection

2. Page 10, lines 8 and 9.

**Following:** "shall" on line 8

**Insert:** "at all times"

**Following:** "and" on line 8

**Strike:** "ensure"

**Insert:** "shall make every effort to see"

**Following:** "will" on line 9

**Strike:** "not overspend"

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

**Insert:** "stay within"

Amendment **not** adopted as follows:

Ayes: Andersen, Bales, Barrett, Branae, D. Brown, R. Brown, Callahan, Carney, P. Clark, Curtiss, Cyr, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Himmelberger, Holden, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Masolo, Musgrove, Newman, Noennig, K. Peterson, Raser, Rice, Ripley, Schmidt, Schrumpf, Thomas, Tropila, Waddill, Wanzenried, Younkin, Mr. Speaker.  
Total 47

Noes: Adams, Balyeat, Bitney, Bixby, Bookout-Reinicke, Brueggeman, Buzzas, Clancy, E. Clark, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Juneau, Kasten, Laible, Laszloffy, Lehman, Lewis, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rome, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Vick, Waitschies, Walters, Whitaker, Witt, Wolery.  
Total 52

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

Motion that **HB 146** do pass. Motion failed as follows:

Ayes: Andersen, Bookout-Reinicke, D. Brown, Buzzas, Carney, Clancy, E. Clark, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Laible, Lee, Lehman, Lenhart, Masolo, Matthews, McKenney, Mood, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin.  
Total 49

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, R. Brown, Brueggeman, Callahan, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Himmelberger, Jackson, Jayne, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lewis, Lindeen, McCann, Musgrove, Newman, Noennig, Pattison, K. Peterson, Rice, Ripley, Schrumpf, Sliter, Smith, Tramelli, Tropila, Whitaker, Witt, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

**HB 157** - Representative Sliter moved consideration of **HB 157** be placed at the bottom of the second reading board.  
Motion carried.

**HB 165** - Representative Gutsche moved **HB 165** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas,

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.  
Total 88

Noes: Bitney, D. Brown, Davies, Fuchs, Holden, Masolo, K. Peterson, Rice, Ripley, Somerville, Witt, Wolery.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted.

Representative Shockley made a substitute motion that **HB 146** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Gallik, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 76

Noes: Bixby, Buzzas, P. Clark, Cyr, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Jayne, Juneau, Kaufmann, Keane, Lindeen, Mangan, Newman, K. Peterson, Schmidt, Sliter, Wanzenried, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Olson.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 80** passed as follows:

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 68

Noes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Newman, Raser, Schmidt, Tramelli.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 300** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Sliter moved **HB 146** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried.

Representative Gallik requested on **HB 80**, second reading yesterday, that his vote be shown as no. There being no objections, so ordered.

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

Representative Kaufman requested on **HB 204**, third reading yesterday, that her vote be changed from yes to no. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 5:50 p.m., Thursday, January 25, 2001 for the joint session to receive Governor Martz's State of the State Address. Motion carried.

Majority Leader Sliter moved that following the joint session, the House adjourn and reconvene at 1:00 p.m., Friday, January 26, 2001. Motion carried.

House recessed at 3:03 p.m.

**SPECIAL ORDERS OF THE DAY**

House reconvened at 5:50 p.m. Mr. Speaker in the chair. Quorum present.

Sergeant-at-Arms Ahner escorted the Senate into the House Chambers.

Speaker McGee introduced President Beck and yielded the chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of the State Address from the Honorable Judy Martz, Governor of the State of Montana. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee of four to notify the Governor that the House was in joint session and ready to receive her State of the State Address. Motion carried.

President Beck appointed Senator Bohlinger, Senator Jergeson, Representative Story, and Representative Jacobson and discharged them to escort the Governor to the House Chamber.

The colors were posted by Captain Flaherty and members of the Montana National Guard.

Sergeants-at-Arms Cramer and Ahner escorted members of the Governor's official party into the House Chamber.

Governor Martz was escorted to the rostrum by the escort committee.

Invocation was given by Governor Martz's brother, Joe Morstein, of Dillon.

President Beck introduced Miss Tazlyn Fischer, daughter of Ginny and Mike Fischer of Manhattan, Montana, who then sang the national anthem.

President Beck introduced Governor Martz, who delivered the following address:

Thank you and good evening. It is a privilege to be here before the Fifty-Seventh Legislative Assembly. Lt. Governor Ohs, President Beck, Speaker McGee, my fellow Constitutional Officers, Tribal Chairmen, distinguished members of the Legislature, members of the Montana Supreme Court, honored guests, my fellow Montanans:

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

So many of us here today are newly installed and freshly sworn into our respective offices. Many of us will be viewed as the first experiment resulting from sweeping term limits.

Regardless of the length of tenure, we share the same feelings of opportunity, challenge and responsibility. Before I begin, I want to take the time to thank one special group in the audience. They serve without term limits. They are always there for me -- even when I'm away. My husband, Harry, our son Justin and daughter Stacy and their families -- you make it possible for me to stand here tonight: the first female governor of the State of Montana.

I am proud to be a small businesswoman. I'm proud to serve as your governor. But I'll always be most proud to be "Mom" and "Mrs. Harry Martz." Those are the titles that will endure. And to my mom and dad -- Joe and Dorothy Morstein, who are at home in Billings tonight, I want to say thank you for teaching me to work hard, be honest and remain strong in faith.

We are here to do the people's business. Our actions will define us. So let us go forward, without hesitation to do our best and to do what is right for the good of all Montanans. Our actions will favorably define us if we speak after having listened, deciding based on principles, and acting in humility, with respect for all, remembering that a power greater than ourselves will have the final word.

Teddy Roosevelt said, "The credit belongs to the one who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again, who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who at best, knows the triumph of high achievement; and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

The Martz Administration will call it the way it is. We will not shy away from shortcomings of the past. We will not pretend things are better or worse than they are. But we will address the challenges with optimism and determination. Montana's people expect nothing less.

Let me be very clear. I speak for Montana. I speak for government. I speak for the people. We all contribute to the state of our state.

Overall, our economy continues to grow. Our total personal income increased more than five-percent in the last year. And that's more than twice the rate of inflation. Only two segments of our economy did not see increases in earnings. Every other sector is doing better.

We have gained more than one hundred and seven thousand jobs in the past ten years. Compare that to the 1980's when jobs grew by only 43,000. We're growing -- but not as fast as we can -- not as fast as we should. That's the difference. And we know it.

We know that we have work to do. We must do better. We can do better. We will not rest until Montana's economy reflects the diversity and capacity of the people within it. The Martz Administration's primary goal is to diversify our economy, expand our job market with higher paying jobs, actively supporting and recruiting businesses that can thrive within our current environmental standards.

I want to be crystal clear. I promised the people of Montana that I would not support a tax increase. I will keep my word. If the people of Montana want tax increases, I'll respect their decision made in voting booth -- but I will not sign a general tax increase. Period.

We must lower the top marginal tax rates that are bad for business. We must eliminate income taxes for the hardworking Montanans on the lowest rung of the economic ladder. The business equipment tax must be

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

eliminated, and I'll work to make sure we achieve the growth threshold that will make it happen. By the time I face voters again, they will be keeping more of what they earn.

Two Montana communities are proving that economic growth benefits everyone. They stand out for their success in expanding their economy. Sidney, Montana shouldn't be doing well right now. It's situated in a region that statistics say should be losing population, jobs and their tax base. But Sidney would not allow what was to stay as is.

Although struggling today, Holly Sugar Refinery has an annual payroll of \$5.7 million. Trains haul thousands of tons in sugar, beet pulp and beet molasses from the plant every year. Sidney Millwork Company, a state of the art mill that employs 50 people, manufactures and installs cabinets and furnishings for hospitals, school districts and municipalities nationwide. Sidney has committed to maintaining its agricultural research station second to none.

Sidney is also the new home to the Moo Juice Dairy -- Montana's first industrial dairy that opened last summer. The 20-employee dairy can milk 1,200 cows at one time, transport milk to cheese factories and milk processors throughout the Midwestern United States. By next fall Moo Juice will double its employees and its capacity to milk twice as many cows. Wisconsin had better watch out.

Sidney has taken its traditional strength in agriculture and tailored it to a hi-tech world. Sidney defied statistics that labeled the region unsuccessful and is proving that statistics follow actions. And labels will change to reflect actions.

We must rise every day with the determination to move forward toward our goal, cognizant of what was, but with purpose and perseverance toward what we know can be.

Butte, Montana was the heart of our country's mining industry for decades. Yet, it has not allowed a diminishing demand for copper and other minerals to defeat them. MSE Technology Applications in Butte employs about 200 employees and contracts with NASA space centers and several Department of Defense facilities. Advanced Silicon Materials chose Butte as home to its multimillion-dollar poly-silicon-processing plant, employing more than 200 engineers and technicians. The Butte-Silver Bow Development Authority worked with ASMi to direct property taxes to help build a high tech economy for an old mining town.

These are just two success stories of regions of our state that could have settled with less but instead determined to do more. Sidney and Butte are examples for all of us. They are reminders that the potential for greatness resides in every corner of this state and in each one of us.

Our pursuit of economic growth must include Native Americans. For the first Montanans, I am committed to improving the quality of life on our reservations. Next month, I'll issue a proclamation calling for government-to-government consultation on the many issues that impact tribal members. Additionally, I have pledged to visit every reservation in Montana by the end of summer to better understand their needs, but more importantly their culture.

In the meantime, please send to my desk immediately HB 165, which will ensure the return of human remains to our Indian nations. There is nothing more sacred than burial and nothing more meaningful than our faith in a higher power. No matter what color you are -- human remains belong with families.

We begin our administration in a building that has been restored to the magnificence it displayed more than a century ago. Let us, each one of us, pledge tonight to choose each word and every action to suit the dignity and grace that surrounds us.

The Capitol restoration project exemplifies partnership. The executive and legislative branch joined with citizens

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

and businesses to take care of Montana's "crown jewel" after years of neglect and degradation. From the roof to the heart of the mechanical systems -- from the landscaping to the furnishings, we invested twenty-six million public and private dollars. It truly reflects our heritage and is equipped to serve us well into the future. For beneath the floors and walls, the Capitol enters the 21st century with state of the art wiring for computers and telecommunications. Eventually, we will be able to use the Internet for making legislative proceedings available to every home connected to the Web in the state of Montana, nation and world.

Please take a moment to honor a special group of citizens who made this successful -- Former Governor Marc Racicot, Restoration Commission Chairman Mike Cooney, Betty Babcock, (a permanent "First Lady" as far as I'm concerned). Also, thank you to the Legislature and numerous professionals, the Capitol Restoration Foundation, and even Montana schoolchildren who sent their pennies for the "Copper for the Capitol Fund." All Montanans did something important to restore the "people's house."

Martin Luther King, Jr. said, "The ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy." Montanans stand tall when we take a measure of those who battled in one way or another against wildfire last summer.

We survived one of the worst natural disasters in the history of Montana. More than 11,000 firefighters from numerous states battled to protect cities and homes. Volunteers too numerous to count contributed mightily to the effort. Never before on American soil has such a large army fought a single enemy. Help came from as far away as New Zealand and Australia. Nearly 950,000 acres burned; 321 structures were destroyed, including 66 homes. At one point, nearly 4,000 homes were threatened.

The Montana Army and Air National Guard provided support to 12 major fires last summer. Montana activated nearly 2,000 troops -- Army and Air Guard -- supporting us with medical services, security, transportation, evacuation, firefighting in the air and on the ground.

People spent nights on rooftops with garden hoses in hand to fight an enemy that would not sleep and seemed, at times, unquenchable. The Mennonites came from all over the United States and Canada to Broadwater County to help ranchers recover. High school students left the classroom to pitch in, putting up more than 20 miles of fencing.

With time, valuable resources and possessions will be replaced. For some things, it will take as long as a generation. But we will remember fire's lesson: Our survival in a fragile ecosystem depends upon careful stewardship and ultimately the grace of God.

Let's take a moment to thank and honor those who fought fire in a multitude of ways, whether on the front line or behind the scenes, to preserve what we cherish. Let's thank them and our Lord for sparing every human life during a very dangerous and drawn out ordeal.

We expect a seat at the table in planning how to effectively manage the forests we recreate in and rely upon. We will urge the Bush Administration to listen to the West, and return stewardship responsibility to our capable hands where it belongs. And we will not rest until our voices are heard.

As chairman of the State Land Board our vigilant stewardship of the state's 5.2 million acres of school trust lands continues. This provides a wide variety of opportunities for natural resource development and sustainability of traditional management activities generating nearly fifty million dollars for education while practicing good stewardship. Managing such a broad landscape and diversity of potential uses can attract many contrary opinions.

However, I'm proud to say, Montana's Natural Resource team is up to the challenge. The way we are addressing the



HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

Sula State Forest Timber salvage operation is the perfect example. Before the smoke even cleared, the department initiated the public involvement process, developed a plan of action, analyzed the impacts and completed a MEPA review and quickly awarded contracts for the salvage of nearly 25 million board feet of fire-scorched timber.

Today more than 150 loggers, timber fallers, equipment operators and truck drivers are employed on this project which will ultimately generate nearly \$5 million dollars for the school trusts from sale of the blackened timber -- all while implementing aggressive erosion control measures, stabilizing fragile soils and facilitating reforestation. Land management decisions in the 21st century are complex and oftentimes controversial but we must proceed. Montana should lead in making decisions about managing our land.

We will never forget the industries that built this state -- and I support environmentally safe mining, timber-harvest and oil and gas production on our public lands.

With two presidential disaster declarations for fire and drought last year, we are determined to steer Montana away from an energy disaster threatening to be exported to the rest of the western states from California. The 57th legislative session must adjourn with a solid blueprint for energy, addressing short-and long-term needs.

Senator Royal Johnson is sponsoring legislation that may serve as the vehicle to take us to a reliable and affordable destination in energy pricing and supply. As the legislature conducts hearings on this bill, I want to outline crucial points that we expect to be included when it reaches my desk. Profit is a good thing, but not to the extent that it would leave the state that produced it in the dark or out in the cold. This is a problem that pervades the entire western wholesale market and it cannot be solved without a coordinated regional plan. Acting otherwise will simply make the problem worse for every state in this region.

I have joined with other governors of the West in calling for the creation of an interstate, interagency team to develop a regional plan to satisfy our collective needs. All of us on the western grid need to participate. We must share the responsibility of building more generation plants with adequate fuel supply, electrical transmission facilities, gas pipelines, and properly deal with the inherent environmental challenges.

I have appointed a task force on energy prices, made up of Montanans who are experts in their respective fields, representing a broad array of energy producers, consumers, cooperatives and suppliers. They will advise our administration on energy policy and make recommendations on short-and long-term solutions to the energy pricing and supply challenges we face.

We must increase the supply of power through more generating facilities. We should diversify, wherever possible, our sources of fuel. For example: natural gas, coal, and renewable resources such as wind and solar energy. We should unite, all of us, to look for ways to streamline the permitting process, allowing construction of new facilities to be built within a more reasonable time frame, but also within the parameters of our stringent environmental standards. The Major Facility Siting Law process can and should be faster, and we can more efficiently process permits under the Montana Environmental Policy Act.

The 1997 Legislature demonstrated leadership by protecting Montana consumers from price changes until July 1, 2002. Other states in our region that did not do so are experiencing what our legislature protected us from. Still, Montana law should be changed to extend the transition period for customer choice for the time necessary to obtain the best power price for customers and give investors the time to bring new facilities on line.

In the near-term, the industrial customers and the generators of electricity should enter into contracts for power supply, perhaps with incentives from the PSC or the State. The price of electricity will increase after July 1, 2002, but it must be reasonable. Suppliers should recover their costs, plus a reasonable profit. The California prices of today are not being set by a competitive marketplace and are unrealistic because they are not a result of long-term

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

supply contracts, but are set on a daily spot market. Competition will work, but we cannot be halfway in and halfway out. A viable federal energy policy is needed -- and we'll be at the table to hold them accountable, while doing our part.

We are improving the state's physical infrastructure. We are strengthening our relationships with local economic development organizations as well as increasing Montana's profile internationally. But we need to do more. That's why I'm drafting legislation to reform the Department of Commerce to make it more supportive of economic growth and expansion. We also plan to open a Montana office in Washington from which we can more effectively work with our delegation and Congress to accomplish our agenda.

Government can no longer be a barrier to business development -- and I will not leave this office until we've made it business friendly. We have laid the groundwork for future economic growth through our Jobs and Opportunities initiative. We're working to eliminate the roadblocks to creating and growing technology businesses in the state.

We are teaching our companies the tricks of competition for venture capital and we are beginning to see results -- since 1999, Montana businesses have garnered \$1.5 million in awards benefiting employees in Belgrade, Ronan, and Browning as well as Butte, Billings, Bozeman and other Montana communities. These awards translate into more and better paying jobs. We need to continue to work with diligence to use these funds to their maximum potential.

Furthermore, the new Research and Commercialization Board offers an excellent balance of scientific credentials and business sense, demonstrating that research is a state priority.

I am also pleased to report that 100% of the state has local dial-up connection to the Internet. High-speed cable modem and DSL services are being deployed not only in Montana's large population centers but also in remote communities with populations of 1,000 people or less.

The Advanced Telecommunications Infrastructure Act passed in the last legislative session has helped accelerate the growth of high-speed telecommunications infrastructure throughout the state. The tax credits issued under the Telecommunications Act will keep us in the forefront.

Elimination of geography as a business issue means more and better jobs for Montanans statewide. Thomas Jefferson said that, "A democratic society depends for its strength on the free flow of information and an informed electorate." The possibilities are endless. With our new E-Government initiative, citizens will be able to dial up to find out about the expenditures of their tax dollars, register to vote, make their views known to elected officials, and obtain licenses and permits online.

We must make sure that we identify these opportunities and make them available to all Montanans. Our administration encourages pioneering efforts such as the Montana Information Technology Act -- sponsored by Senator Mike Taylor, which would emphasize Information Technology in our state. Senator, thank you for your determined leadership.

Our sister-state relationships with Kumamoto, Japan, and Taiwan have given Montanans cultural and educational opportunities with ever-growing economic trade opportunities for Montana businesses. Our new sister-state relationship with Guangxi, China will help us build close cultural understandings and economic ties with over one billion Chinese consumers. We are becoming an important player in one of the most significant economic arenas in the world. And, as co-chair of the Montana-Alberta Boundary Advisory Committee, I will work diligently with Lieutenant Governor Ohs to build better relations and economic opportunities with our Canadian neighbors.

As we open markets and opportunities for our citizens, we cannot forget that the best investment Montana makes

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

in the future economy is through education. Montana annually invests over \$6,200 in each student in our primary and secondary schools, or nearly \$80,000 per child during their school years. In fact, the budget I submitted to the legislature puts six out of every ten general fund dollars into Montana's world-class education system. We must make sure our schools remain world-class.

The last legislature provided the single largest increase in education spending in the history of our state, and the May special session increased it by an additional twenty million dollars for this school year. We propose an additional three percent increase in fiscal year 2003.

Investment in secondary students is increasing, even while enrollments continue to drop. I want accountability in our schools, which is why we are moving forward on annual testing of grades 4, 8 and 11, and compiling and disseminating results. For the first time, parents and communities will be able to compare their schools to other schools and really know where they stand.

Test scores are steady, showing Montana eighth graders are first in science. They out-performed every other state in science, in every assessment. We're in the top five in math and reading.

We are also in the top ten in writing. The Martz Administration will name a task force to recommend a plan for boosting our writing scores toward the top five by 2005. We are pleased with the recommendations of a task force that developed a Native American curriculum through OPI and reservation schools. I appreciate Representative Carol Juneau's efforts to make education relevant to all Montana schools, including reservations. She's offering good ideas and we should pay attention to them.

My administration will focus on four key areas of early education:

1. Increasing resources and teacher development; 2. Producing excellence with partnerships to mentor our kids; 3. Providing safe learning environments; and, 4. Implementing character education.

To accomplish any of our education objectives, we must recognize the importance of what I call my 3-Rs of education: recruiting, retaining and rewarding outstanding teachers. There is no more noble profession, no pursuit more valuable to the future of our state than positively shaping children's lives. Society receives no greater gift than those who are willing to teach our children. I am so fortunate to have 6 teachers in my own family, with my daughter and son-in-law planning to be teachers.

But every day we lose outstanding teachers and administrators to other states that offer better pay and benefits. According to OPI, every year only 1/3 of the nearly 1300 newly certified teachers actually start teaching in Montana schools. Furthermore, 40 elementary school districts expressed problems recruiting certified elementary educators last year while shortages for many high school subjects affected even more districts.

If we are going to keep these professionals, Montana must begin to seriously compete with over 20 other states that are making major investments to lure teachers away from our Montana students. We want to leverage our share of the \$2.4 billion in increased federal funds that President Bush has promised states for training new teachers. We'll partner with the private sector to craft mentoring programs that inspire teachers to stay in the profession. And I'll build partnerships with teachers, parents and administrators to craft a performance-based pay proposal called Investing in Teaching Excellence. Under this proposal, local districts will work to reward the successful completion of performance goals set by each teacher with their administrator. We'll reward the best teachers who meet their goals and give districts flexibility to pay for it.

Additionally, we'll support mentoring programs such as "Aim High" which has been initiated by the Montana High School Association and Montana's Promise where already we have mentored over 73,000 Montana young people

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

when our goal was just 10,000. I just joined the national board of Jobs for American Graduates. I will encourage churches to provide after-school programs for children to more freely practice their faith in a learning environment. Today, the American Dream depends on a high school diploma, and our administration will help every Montana child earn one.

For higher education, we expect the university system to reduce the tuition burden on our students with the \$100 per student per year allocation included in our budget for the next biennium. We've targeted \$800,000 for a two-year program to train students for new business. And finally, we have earmarked \$2 million dollars in additional funds for student assistance.

Indeed, education is a key to building a better economy and bringing better paying jobs to Montana, and only by working together can we make great things happen in education. It's as simple as A-B-C.

Even Montana's National Guard is providing positive options in education for youth at-risk. Since being authorized by the 56th Legislature, the Montana Youth ChalleNGe program has graduated 217 youth who had previously dropped out of high school in their local communities.

These 217 graduates have entered Montana's job market, enrolled in college or joined the military. Of these graduates, 167 (76%) have earned their General Education Diploma - compared against a 44% national GED success rate for youth in the same age bracket.

The ChalleNGe success is typified by one graduate currently holding a 3.78 G.P.A. in a university honors program, and another who graduated number 1 out of 560 candidates at Marine Corps basic training.

Welfare reform has made great strides in overcoming the myth that parents on welfare don't want to work. We must expand our successful child-care programs for low-income families. We have a bill in the legislature that will buy used state vehicles and sell them to participants in Families Achieving Independence in Montana at an affordable price and reasonable payment schedule.

Welfare reform doesn't end with a reduction in recipients. The Martz Administration is committed to helping more people climb higher on the economic ladder. Expanded childcare assistance is a critical concern as are expanded job training options and transportation.

We collected a record high fifty million dollars in child support during the past year. We enhanced enforcement of medical support for children, saving 1.5 million dollars in Medicaid each year.

Clinics and health care facilities report 94.4% of the children coming in are immunized and more good news...Montana's teen pregnancy rate is dropping faster than the national average, dropping 19% in nine years. We know that means tremendous savings for our health and human services down the road -- let's keep working to teach our children the virtues of abstinence.

Because our community hospitals are the lifeblood of many of our small towns, I made sure that we included provider rate increases in our executive budget. Those increases are a top priority, and I ask the legislature to make sure those get to my desk intact.

An ounce of prevention is worth a pound of cure. And you can be certain that we'll do our part. Thanks to the Children's Health Insurance Program, 10,000 formerly uninsured youngsters have good health insurance coverage. That's progress in my book. We eliminated the small enrollment fee and have simplified the application process. We will continue to seek ways to simplify the paperwork so more families may participate. We have come halfway in our goal to insure a total of 20,000 children. I'm going to continue to bring more Montanans under the umbrella

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

of affordable health insurance. Our budget makes a further step in that direction. We'll qualify families for CHIP at incomes up to 160% of poverty.

We are making the difficult transition to State oversight of our mental health services program. There is no question that it's still more than we can afford. We must fix it. We're going to do it by changing the way we do business in the department. We will direct the division to develop a plan, with input from the Mental Health Oversight Advisory Council to serve more people in, or closer to their own communities and in the least-restrictive settings that their mental health conditions require. I'm impressed by reports from Utah's mental health system with its capitated-regional mental health approach, and I want to explore those options for Montana.

We will carefully monitor our Program of Assertive Community Treatment (or PACT), with pilot programs in Billings and in Helena initiated last year. We intend to roll them out in other communities if the first two sites prove successful. We will look for ways to strengthen pharmaceutical treatment, especially where doing so may prevent the need for higher-cost, more restrictive placements.

For the first time in a century Montana has enough cells for those who are sentenced to Montana State Prison. For the first time in a long time judges know that if they send a person to MSP, their sentence will be served in the place they belong. The Department of Corrections could be called the water heater of the State budget. It is something no one wants to spend money on. It's not something you show off to your friends. And yet, it's just plain necessary.

Public safety is our most important responsibility. Without it, everything else we try to do in society is jeopardized. In just eight years we're nearly caught up in prison space after a hundred years of underfunding. Not bad.

We have enough cells. For now. We have more probation and parole officers for more effective supervision. For now. Our Pine Hills juvenile facility will be receiving accreditation/certification for its new sex offender facility. We're well equipped. For now.

I have signed a memorandum of understanding, along with Attorney General Mike McGrath and Chief Justice Karla Gray that will continue the development of our Criminal Justice Information System. With it, we will have the best possible information network between law enforcement, our courthouses and our corrections system. A seamless flow of information in our justice system will help us apprehend, incarcerate and monitor Montana offenders.

Sharing that information between agencies and between branches of government will score a major victory for public safety. Imagine a policeman being able to call up on a computer screen in her squad car the criminal history and probation record of the person she just pulled over. It's no longer imaginary. It's coming to Montana. I will not allow Montana's correctional system to fall behind. Safety is too important. But I expect accountability -- and answers -- straight up. Corrections will be accountable to me and it will be accountable to you in the Legislature. It will be accountable to the people of Montana. If Corrections asks for money that could go to schools, to tax relief, to patients, or any worthy cause, Corrections will have to justify it.

Government, particularly in Montana, has a significant duty to protect our water rights, stream access, habitat and wildlife. Access to our rivers and streams in Montana has been an important issue since pioneers first arrived. The Stream Access Law withstood two court challenges and we formed citizen advisory councils who have offered common sense solutions for some of our stream-crowding issues.

Water in the West, as we all know, is like gold. Montana institutionalized the leasing of water for in-stream and fisheries benefits. We will continue to support efforts to protect species of special concern. We will continue to support the catch and release angling for bull and cutthroat trout in an effort to help these species survive. We will

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

continue to implement species conservation plans for our native cutthroat trout, bull trout, grayling, and sturgeon.

Now, thanks to a joint agreement reached under court-ordered mediation between state and federal agencies, the federal government will share responsibility for the brucellosis problem with the State of Montana. In case you did not know, by the end of this year the only remaining threat of brucellosis in the United States will lie within the bison of Yellowstone National Park. And as long as I am Governor of this state, I will fight for public safety. I will fight for our livestock producers. And we will fight against the threat of quarantine and brucellosis.

And for our number one industry, agriculture, I will be a true champion for better markets and more opportunities. It reminds me of an agricultural dinner I once attended.

We, too, are in charge. If we want better markets for our producers and their quality commodities, we must aggressively seek new opportunities. The 2000 Special Session invested in Agricultural Product Promotion. This investment will increase domestic and international Department of Agriculture-assisted product sales by 100% each year.

This investment will increase by 20 each year the number of food processing companies that participate in Montana Growth Through Agriculture-sponsored domestic and foreign trade missions. It will form an electronic clearinghouse of niche marketing ideas, leads, and international and national trends. It will assist 15 Montana agri-businesses and/or producers each year in the development of marketing plans that accurately reflect consumer trends in the marketplace. It will provide for educational functions and informal services to inform Montanans regarding agriculture's role in the environment, open space and recreation, and the role agriculture plays in the state's economy.

Montana must be willing to reinvest in its largest industry. Key to agricultural business expansion in Montana is the development of low cost, long term capital for investment in agriculture. We'll get the job done.

It's time to look at government and one another in a new way. It's time to set aside the measure of the past and set about to live up to our dreams. Look around you.

That truck driver may someday be the budget director for the entire state. [Right, Chuck Swysgood?] That surveyor may become speaker of the house. [Right, Dan McGee?] When a professor can succeed in politics...[Right, Ron Erickson?]. When a girl from humble beginnings can become an Olympic athlete and later the governor of this great state, you know anything is possible.

When a mining town with a big hole in the ground can switch gears to make semi conductors, you know things can happen. When you bring 150 people with opinions miles apart and, yet, desire to produce good things for their neighbors -- it's called good government -- it can be done.

It's time to look at one another in a new way. It's time to look at government and ask what can we accomplish, together. That waitress in Billings or that little Cheyenne girl in Ashland may be our governor someday. Don't count her out. Don't discount anyone or any possibility.

Montana is the Big Sky State, but it is also a state for big dreams. Lewis and Clark knew it almost 200 years ago. It's as true today. Determination to succeed and a blessing from above will make great new things happen. New jobs. New futures. A new Montana. Let's go to work.

Good night, and God bless Montana.

President Beck thanked the Governor and then introduced The Native Reign, a Native American dance group from Lame Deer, Montana. The dance group have performed their message of prevention in the United States and

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 25, 2001

Canada. Most are members of the Northern Cheyenne Tribe and all are enrolled members of a Montana Indian tribe. Senator Beck welcomed them to the joint session. The group then performed to the songs "Indian Nation" and "Together Again."

Reverend Keith Johnson gave the benediction.

Governor Martz was escorted from the House Chambers by the escort committee.

Senator Thomas moved that the joint session be adjourned. Motion carried.

House adjourned at 7:08 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
January 26, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Davies. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney, Eggers, and Hurdle, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Andrew Rae, Laurel  
Daniel Turvey, Bozeman  
Carl Fauth, Malta  
Kathryn McGee, Vacaville, California  
Jim Gallagher, Anaconda  
Tricia Gallagher, Anaconda

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/26/2001  
Correctly printed: **HB 139, HB 224, HB 238, HB 333, HJR 4.**  
Correctly engrossed: **HB 21, HB 41, HB 74, HB 94, HB 109, HB 165.**  
Correctly enrolled: **HB 25, HB 45, HB 98.**

**AGRICULTURE** (Hedges, Chairman): 1/25/2001  
**HB 246**, introduced bill, be amended as follows:

1. Page 1, lines 5 through 6.

**Following:** "PROPERTY" on line 5

**Strike:** "IN AN OPEN RANGE OR A HERD DISTRICT"

2. Page 1, lines 6 through 7.

**Following:** "HIGHWAYS" on line 6

**Strike:** "IN OPEN RANGE OR IN A HERD DISTRICT"

3. Page 1, line 8 through 9.

**Following:** "PROPERTY" on line 8

**Strike:** "IN AN OPEN RANGE OR HERD DISTRICT"

4. Page 1, line 9.

**Following:** "IS NOT"

**Strike:** "LIABLE"

**Insert:** "SUBJECT TO LIABILITY"

5. Page 1, line 10.

**Following:** "LIVESTOCK"

**Insert:** "UNLESS THE OWNER OF THE LIVESTOCK OR PROPERTY WAS GROSSLY NEGLIGENT OR



HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

ENGAGED IN INTENTIONAL MISCONDUCT"

**Strike:** "AMENDING SECTION 81-4-203, MCA;"

6. Page 1, line 15 through Page 2, line 7.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

7. Page 2, lines 9 through 10.

**Following:** "owner" on line 9

**Strike:** "open range or herd district"

**Insert:** "accidents involving motor vehicles and livestock"

8. Page 2, line 12.

**Strike:** ", as defined in 60-1-103(19),"

**Following:** "not"

**Strike:** "liable"

**Insert:** "subject to liability"

9. Page 2, line 14.

**Strike:** "as provided in 60-7-203 and [sections 1 and 2]"

**Insert:** "unless the owner of the livestock or property was grossly negligent or engaged in intentional misconduct"

10. Page 2, line 15.

**Following:** "section,"

**Insert:** "the following definitions apply:

(a) "Highway" has the meaning provided in 60-1-103(19);

(b) "Livestock" has the meaning provided in 15-1-101; and

(c)"

**Strike:** ""person""

**Insert:** ""Person""

11. Page 2, line 16.

**Following:** "company,"

**Insert:** "limited liability partnership,"

12. Page 2, lines 18 through 22.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

13. Page 2, lines 24 through 28.

**Strike:** subsections (1) and (2) in their entirety

14. Page 2, line 29.

**Strike:** "(3)[Section 3]"

**Insert:** "[Section 1]"

15. Page 2, line 30.

**Strike:** "[section 3]"

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**Insert:** "[section 1]"

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman): 1/25/2001  
**HB 268**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman): 1/25/2001  
**HB 224**, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.

**Strike:** "REQUIRING" on line 9 through "REQUIRING" on line 10

**Insert:** "ALLOWING"

2. Page 2, line 28 through line 29.

**Strike:** "and take" on line 28 through "child" on line 29

3. Page 4, line 11.

**Strike:** "shall"

**Insert:** "may"

4. Page 4, line 13.

**Strike:** "the"

**Insert:** "a"

5. Page 4, line 20.

**Strike:** "The"

**Insert:** "A"

**Strike:** "consists"

**Insert:** "must consist"

6. Page 4, line 21 through line 23.

**Strike:** "frequent" on line 21 through "inmates" on line 23

**Insert:** "structured programming between incarcerated parents and their children, with a focus on parenting skills"

7. Page 4, line 25.

**Strike:** "(c)"

**Insert:** "(b)"

8. Page 4, line 30.

**Strike:** "the"

**Insert:** "a"

And, as amended, do pass. Report adopted.

**HB 238**, introduced bill, be amended as follows:

1. Page 1, line 22.

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**Following:** "(3)(a)"

**Insert:** ", unless the county attorney or designee is unable to contact the victim after making a good faith effort to contact the victim"

And, as amended, do pass. Report adopted.

**HB 276**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

1/26/2001

**HB 176**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "THAT"

**Insert:** "CERTAIN INACTIVE VESTED"

**Strike:** "RETIRE"

**Insert:** "LEAVE SERVICE"

2. Title, page 1, line 5.

**Strike:** "QUALIFIED"

**Insert:** "ELIGIBLE"

3. Title, page 1, line 6.

**Strike:** "DISTRICT COURT"

**Following:** "JUDGES"

**Insert:** "OR JUSTICES"

4. Title, page 1, line 8.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 14.

**Following:** "after"

**Insert:** "at least"

6. Page 1, line 18.

**Following:** "judge's"

**Insert:** "or justice's"

7. Page 1, line 20.

**Following:** "judge"

**Insert:** "or justice"

8. Page 1, line 25.

**Following:** "(2)"

**Insert:** "(a)"

9. Page 1, line 26.

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**Following:** "call"

**Insert:** "(b)"

10. Page 1, line 28.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

11. Page 2, line 7 through line 8.

**Strike:** "subsections" on line 7 through "to" on line 8

**Insert:** "subsection (2)(a) and compensated as provided in subsection (2)(b)(i) regardless of"

12. Page 2.

**Following:** line 8

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 342**, do pass. Report adopted.

**HB 354**, introduced bill, be amended as follows:

1. Page 3, line 15.

**Following:** "including"

**Insert:** "American"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

1/23/2001

**HB 127**, introduced bill, be amended as follows:

1. Page 2.

**Following:** line 18

**Insert:** "(6) The owner of a commercial motor vehicle that is engaged in transporting fuel for a distributor is not subject to the provisions of this section."

2. Page 3.

**Following:** line 27

**Insert:** "(7) The owner of a commercial motor vehicle that is engaged in transporting special fuel for a distributor is not subject to the provisions of this section."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/25/2001

**SB 34**, introduced by R. Johnson

**SB 42**, introduced by McCarthy

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**SB 108**, introduced by Franklin  
**SB 135**, introduced by Waterman  
**SB 143**, introduced by Ekegren  
**SB 194**, introduced by Nelson  
**SB 205**, introduced by Cobb  
**SB 211**, introduced by Shea  
**SB 229**, introduced by Cocchiarella  
**SB 236**, introduced by Grimes

House bills concurred in and returned to the House:

1/25/2001

**HB 25**, introduced by Sliter  
**HB 45**, introduced by Witt  
**HB 98**, introduced by Lewis

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

1/25/2001

**HB 44**, introduced by Haines

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 401**, introduced by Lee, Cocchiarella, Cole, Facey, referred to Transportation.  
**HB 402**, introduced by Mangan, Bohlinger, Johnson, referred to Judiciary.  
**HB 403**, introduced by Gillan, Grimes, Haines, B. Thomas, referred to Transportation.  
**HB 404**, introduced by Wanzenried, Raser, F. Thomas, Waddill, referred to Local Government.  
**HB 405**, introduced by Younkin, Bishop, Christiaens, Crismore, Doherty, Forrester, Halligan, Hargrove, Harrington, Lenhart, Mahlum, Raser, Roush, Ryan, Stonington, Tash, referred to Judiciary.  
**HB 406**, introduced by Gillan, Bohlinger, Johnson, referred to Business and Labor.  
**HB 407**, introduced by K. Peterson, Schrumpf, referred to Federal Relations, Energy, and Telecommunications.  
**HB 408**, introduced by Schmidt, referred to Local Government.  
**HB 409**, introduced by A. Peterson, referred to Local Government.  
**HB 410**, introduced by Haines, referred to Transportation.  
**HB 411**, introduced by Harris, Carney, Dell, Eggers, Gutsche, Hurdle, Jacobson, Jayne, Keane, Laslovich, Lee, Lenhart, Raser, Schmidt, Wolery, referred to Human Services.  
**HB 412**, introduced by Wolery, Harris, referred to Judiciary.  
**HB 413**, introduced by Davies, referred to Business and Labor.  
**HB 414**, introduced by E. Clark, Christiaens, Erickson, referred to Appropriations.  
**HB 415**, introduced by Somerville, Cole, Dale, DePratu, Gallus, Mahlum, McCarthy, Mood, Shea, Sliter, referred to Taxation.  
**HB 416**, introduced by Juneau, Bixby, Eggers, Gutsche, Hurdle, Jayne, Raser, Smith, referred to Education.  
**HB 417**, introduced by Price (by request of the State Auditor), referred to Business and Labor.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 12**, introduced by Harris, Callahan, Carney, Dell, Eggers, Gallik, Gutsche, Hurdle, Jacobson, Jayne, Keane, Laslovich, Lee, Lenhart, Matthews, Raser, Schmidt, referred to Taxation.

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**HJR 13**, introduced by Wolery, E. Clark, Devlin, Somerville, Witt, referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Sliter moved the House recess until 1:45 p.m. Friday, January 26, 2001 for caucuses. Motion carried.

House reconvened at 1:45 p.m. Mr. Speaker in the chair. All members present except Representatives Eggers and Hurdle excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

1/26/2001

**HB 215**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Following:** second "AN ACT" on line 4

**Strike:** remainder of line 4 through first "SITES;" on line 5

2. Title, line 5.

**Following:** "AT"

**Strike:** "DESIGNATED PRIMITIVE"

**Insert:** "CERTAIN"

3. Title, line 7.

**Following:** first "SITES"

**Strike:** "AS PRIMITIVE FISHING ACCESS SITES"

**Insert:** "FOR LIMITED DEVELOPMENT"

**Following:** "FEES"

**Strike:** ", "

**Insert:** "AND"

4. Title, line 8.

**Following:** "HOSTS"

**Strike:** ", AND ALL-TERRAIN VEHICLE USE"

**Following:** "AT"

**Strike:** "PRIMITIVE"

**Insert:** "DESIGNATED"

5. Title, line 9.

**Strike:** "PRIMITIVE"

**Insert:** "DESIGNATED"

6. Page 1, line 12 through line 24.

**Strike:** lines 12 through 24 in their entirety

7. Page 1, line 28 through line 29.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

8. Page 2, line 1.

**Strike:** "Primitive fishing"

**Insert:** "Fishing"

**Following:** "established"

**Insert:** "for limited development"

9. Page 2, line 2.

**Following:** "as"

**Strike:** "primitive"

10. Page 2, line 3.

**Following:** "sites"

**Strike:** "and"

**Insert:** "that"

**Following:** "through"

**Strike:** "5"

**Insert:** "4"

11. Page 2, line 4.

**Strike:** "Beaver Lake, Blanchard Lake, Bootjack Lake,"

**Following:** "Ducharme,"

**Strike:** "Frank Lake,"

12. Page 2, line 5.

**Strike:** "Horseshoe Lake-Ferndale, Loon Lake-Eureka, Loon Lake-Ferndale, Marle Lake,"

13. Page 2, line 6.

**Following:** "Landing,"

**Strike:** "Moran Lake,"

**Following:** "Pressentine,"

**Strike:** "Savage Lake, Skyles Lake,"

14. Page 2, line 13.

**Strike:** "Meadow Lake,"

15. Page 2, line 17.

**Strike:** "Lower Carter Pond,"

16. Page 2, line 18.

**Strike:** "Upper Carter Pond,"

17. Page 2, line 22.

**Following:** "Bridge"

**Strike:** remainder of line 22 through second "Reservoir" on line 22

18. Page 2, line 24.

**Following:** "Depot,"

**Insert:** "and"

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**Following:** "Sisters"

**Strike:** ", and Twelve Mile Dam"

19. Page 2, line 26.

**Following:** "as a"

**Strike:** "primitive"

**Following:** "access site"

**Insert:** "subject to limited development"

20. Page 2, line 30.

**Strike:** "primitive"

**Insert:** "designated"

21. Page 3, line 1.

**Strike:** "primitive"

**Following:** "section"

**Strike:** "2"

**Insert:** "1"

22. Page 3, line 10.

**Strike:** "primitive"

23. Page 3, line 13.

**Strike:** "primitive"

24. Page 3, line 16.

**Strike:** "primitive"

25. Page 3, line 18.

**Strike:** "primitive"

26. Page 3, line 21.

**Strike:** "primitive"

**Following:** "fishing"

**Insert:** "access"

27. Page 3, line 23.

**Following:** "(i)"

**Insert:** "erosion control, streambank stabilization, and weed control;

(j) erection of natural barriers necessary to preserve riparian vegetation and habitat;

(k)"

**Renumber:** subsequent subsection

28. Page 3, line 28.

**Following:** "of"

**Strike:** "designated primitive"

**Following:** "sites"

**Insert:** "designated in [section 1]"



HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

29. Page 4, line 7.

**Strike:** "primitive"

**Insert:** "designated"

30. Page 4, line 8.

**Following:** "use"

**Strike:** "primitive"

**Insert:** "certain"

31. Page 4, line 10.

**Strike:** "primitive"

**Following:** "section"

**Strike:** "2"

**Insert:** "1"

32. Page 4, line 12.

**Strike:** "primitive"

**Insert:** "certain"

33. Page 4, line 13.

**Strike:** "designated primitive"

**Following:** "sites"

**Insert:** "designated in [section 1]"

34. Page 4, line 14.

**Strike:** "designated primitive"

35. Page 4, line 15.

**Following:** "sites"

**Insert:** "designated in [section 1]"

36. Page 4, line 16 through line 17.

**Strike:** subsection (3) in its entirety

37. Page 4, line 19.

**Following:** "through"

**Strike:** "5"

**Insert:** "4"

38. Page 4, line 21.

**Following:** "through"

**Strike:** "5"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**HB 258**, introduced bill, be amended as follows:

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

1. Title, line 4 through line 7.

**Following:** second "AN ACT"

**Strike:** "PROVIDING" on line 4 through "STATUTORILY" on line 7

2. Title, line 7.

**Following:** "MONEY"

**Strike:** "IN THE ACCOUNT"

3. Title, line 10.

**Following:** "PROGRAM;"

**Strike:** "AMENDING SECTION 17-7-502, MCA;"

4. Page 1, line 15 through page 3, line 16.

**Strike:** section 1 through section 2 in their entirety

**Insert:** "NEW SECTION. Section 1. Appropriation. There is appropriated \$60,000 for the biennium ending June 30, 2003, from the state special revenue fund of the department of fish, wildlife, and parks, for the purpose of making grants to qualified shooting range facilities under 87-1-276 through 87-1-279. This appropriation is in addition to the appropriation in House Bill No. 2 for the shooting range grant program."

**Renumber:** subsequent sections

5. Page 3, line 20 through line 22.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 325**, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 157** - Representative Gallus moved **HB 157** do pass.

**HB 157** - Representative Gallus moved **HB 157**, second reading copy, be amended as follows :

1. Page 1, line 15.

**Strike:** the first "thing"

**Insert:** "weapon"

**Strike:** the second "thing"

**Insert:** "weapon"

2. Page 1, line 17.

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**Following:** "articles"

**Insert:** "or a weapon"

3. Page 1, lines 18 and 19.

**Following:** "the" on line 18

**Strike:** remainder of line 18 through "article" on line 19

**Insert:** "item transferred"

4. Page 1, line 30.

**Strike:** "or thing"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Bixby, Erickson, Jayne, Lee.

Total 4

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: D. Brown, Witt.

Total 2

**HB 157** - Representative Sliter moved consideration of **HB 157** be passed for the day. Motion carried.

**HB 166** - Representative Lee moved **HB 166** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Fuchs, Jackson, Laible, Mood, Pattison, Rice, Ripley, Vick.

Total 10

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 198** - Representative Gallik moved **HB 198** do pass. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Price, Raser, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Voted Absentee: Eggers, Hurdle, Ayes; Bitney, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 40** - Representative Witt moved **HB 40** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Hurdle.

Total 1

Voted Absentee: Bitney, Eggers, Ayes; Hurdle, No.

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 78** - Representative E. Clark moved **HB 78** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Hurdle.  
Total 1

Voted Absentee: Bitney, Eggers, Ayes; Hurdle, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 108** - Representative Noennig moved **HB 108** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, Barrett, P. Clark, Gillan, Holden, Juneau, Waitschies, Wanzenried.  
Total 8

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

Absent or not voting: Fisher, A. Peterson.  
Total 2

**HB 110** - Representative Noennig moved **HB 110** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 114** - Representative Story moved **HB 114** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Wanzenried.  
Total 1

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted.

Representative Gallik made a substitute motion that **HB 198** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: Thomas, Waddill.

Total 2

Report **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.

Total 34

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: Shockley.

Total 1

**THIRD READING OF BILLS**

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 21** passed as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Story, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.

Total 68

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Clancy, Curtiss, Dale, Davies, Esp, Himmelberger, Jackson, Kasten, Laible, Lewis, McKenney, Mood, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Vick, Waitschies, Witt, Younkin, Mr. Speaker.

Total 31

Voted Absentee: Eggers, Hurdle, Ayes; Bitney, No.

Excused: None.

Total 0

Absent or not voting: Thomas.

Total 1

**HB 41** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lehman, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Eggers, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Mangan, Masolo, Newman, Raser, Schmidt, Tramelli, Tropila, Wanzenried.

Total 34

Voted Absentee: Bitney, Aye; Eggers, Hurdle, Noes.

Excused: None.

Total 0

Absent or not voting: Cyr, Waddill.

Total 2



HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**HB 74** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Dale, Dell, Kasten, Steinbeisser, Story.

Total 5

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat, Branae, Erickson, Fritz.

Total 4

**HB 94** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 109** passed as follows:

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Fritz, Wanzenried.

Total 2

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 165** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Bitney, K. Peterson, Rice, Ripley.

Total 4

Voted Absentee: Eggers, Hurdle, Ayes; Bitney, No.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

1/26/2001

**HB 174**, do pass. Report adopted.

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

**HB 256**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "IMPRISONMENT FOR UP TO 5 YEARS"

**Insert:** "INCARCERATION FOR UP TO 1 YEAR"

2. Title, page 1, line 6.

**Following:** "SERIOUS"

**Insert:** "BODILY"

3. Page 2, line 20.

**Following:** "serious"

**Insert:** "bodily"

**Strike:** "is guilty of a felony and"

4. Page 2, line 21.

**Strike:** "imprisonment for a term not exceeding 5 years"

**Insert:** "incarceration for a term not to exceed 1 year"

**Following:** "both."

**Insert:** "Section 61-8-351(6) does not apply to a prosecution under 61-8-301(1)(c) that is punishable under this subsection."

5. Page 2, line 27.

**Following:** "whose"

**Insert:** "purposeful"

**Following:** "serious"

**Insert:** "bodily"

6. Page 2, line 28.

**Strike:** "is guilty of a felony and"

7. Page 2, line 29.

**Strike:** "imprisonment for a term not exceeding 5 years"

**Insert:** "incarceration for a term not to exceed 1 year"

And, as amended, do pass. Report adopted.

**HB 263**, do pass. Report adopted.

**HB 317**, do pass. Report adopted.

**MOTIONS**

Representative Juneau moved that **HB 53** be taken from the Committee on Education, printed and placed on second reading.

Representative Golie moved that discussion of the motion be limited to fifteen minutes. Motion carried.

After discussion, Representative Mood moved the previous motion. Motion carried.

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 26, 2001

Motion to take **HB 53** from the Committee on Education and place on second reading failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Sliter, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: Gallus, Thomas.

Total 2

Representative Sliter requested that Representative Gallus be shown not present and voting because he was not at his desk. There being no objections, so ordered.

Representative Sliter moved that **HB 399** be taken from the Committee on Taxation and rereferred to the Committee on Business and Labor. Motion carried.

Representative Sliter moved that **HB 392** be taken from the Committee on Taxation and rereferred to the Committee on Transportation. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, January 27, 2001. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
January 27, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Esp. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney, Curtiss, Eggers, Harris, Hurdle, and A. Peterson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixteenth, seventeenth, eighteenth, and nineteenth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Mr. Speaker introduced the honorary pages of the week:

Chris Kauzlarich, East Helena  
Joshua Brassard, Helena  
Sean Ryan, Great Falls

Mr. Speaker thanked the Montana Society of Association Executives for printing the Lobbyists of the 2001 Montana State Legislature handbook.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/27/2001  
Correctly printed: **HB 127, HB 174, HB 176, HB 215, HB 246, HB 256, HB 258, HB 263, HB 268, HB 276, HB 317, HB 325, HB 342, HB 354.**  
Correctly engrossed: **HB 40, HB 78, HB 108, HB 110, HB 114, HB 166.**

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 1/26/2001

**SB 31**, introduced by Berry  
**SB 54**, introduced by Roush  
**SB 145**, introduced by Berry

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 418**, introduced by Younkin, referred to Agriculture.  
**HB 419**, introduced by Shockley, referred to Judiciary.  
**HB 420**, introduced by Shockley, referred to Natural Resources.  
**HB 421**, introduced by Shockley, referred to Natural Resources.

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

**HB 422**, introduced by Bitney, Grimes, Younkin, referred to Business and Labor.

**HB 423**, introduced by Dell, referred to Local Government.

**HB 424**, introduced by K. Peterson, Barrett, Berry, Bohlinger, Christiaens, Davies, Gallus, Hargrove, Mahlum, McNutt, Pease, Somerville, Tester, B. Thomas, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 14**, introduced by Curtiss, Beck, DePratu, Doherty, Gallus, McCarthy, McGee, Tash, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 208** - Representative Sliter moved consideration of **HB 208** be passed for the day. Motion carried.

**HB 129** - Representative Bales moved **HB 129** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: None.

Total 0

**HB 148** - Representative Jacobson moved **HB 148** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson,

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: None.

Total 0

**HB 175** - Representative Jent moved **HB 175** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin.

Total 91

Noes: R. Brown, Jayne, Rome, Shockley, Sliter, Wolery, Mr. Speaker.

Total 7

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: Fisher.

Total 1

**HB 249** - Representative Laslovich moved **HB 249** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Waddill.

Total 1

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: None.

Total 0

**HB 267** - Representative Juneau moved **HB 267** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: None.

Total 0

**HB 142** - Representative Somerville moved **HB 142** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli,



HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Bales, Barrett, E. Clark, Devlin, Esp, Gallik, Kasten, Ripley, Shockley, Story, Vick, Waddill.  
Total 12

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.  
Total 1

Absent or not voting: Musgrove.  
Total 1

**HB 223** - Representative Schmidt moved **HB 223** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Jayne.  
Total 1

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.  
Total 1

Absent or not voting: None.  
Total 0

**HB 311** - Representative Masolo moved **HB 311** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 93

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Noes: Balyeat, Esp, Kasten, Story, Witt, Mr. Speaker.  
Total 6

Voted Absentee: Bitney, Eggers, Harris, Hurdle, A. Peterson, Ayes.

Excused: Curtiss.  
Total 1

Absent or not voting: None.  
Total 0

Representative Laslovich excused at this time.

**HJR 4** - Representative Fuchs moved **HJR 4** be adopted.

**HJR 4** - Representative Fuchs moved **HJR 4**, second reading copy, be amended as follows :

1. Title, line 10.

**Following:** "RETURNS"

**Insert:** "AND A NATIONAL MEDIA BLACKOUT ON PRESIDENTIAL ELECTION RETURNS"

2. Page 1, line 27.

**Following:** "returns"

**Insert:** "and a constitutional amendment providing for a media blackout on presidential election returns"

Amendment **not** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Laszloffy, Lehman, Lenhart, Masolo, McCann, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 43

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Raser, Schmidt, Steinbeisser, Story, Tramelli, Tropila, Waddill, Wanzonried.  
Total 50

Voted Absentee: Laslovich, No.

Excused: Bitney, Curtiss, Eggers, Harris, Hurdle, A. Peterson.  
Total 6

Absent or not voting: Bookout-Reinicke.  
Total 1

Motion that **HJR 4** be adopted carried as follows:

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Ayes: Adams, Andersen, Bales, Barrett, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Dale, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Gillan, Golie, Haines, Harris, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 70

Noes: Balyeat, Bixby, Carney, P. Clark, Cyr, Davies, Erickson, Fuchs, Gallik, Galvin-Halcro, Gutsche, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lee, Lenhart, Lindeen, Mangan, Newman, Raser, Schmidt, Smith, Vick, Wanzenried.

Total 28

Voted Absentee: Eggers, Harris, Laslovich, A. Peterson, Ayes; Hurdle, No.

Excused: Bitney, Curtiss.

Total 2

Absent or not voting: None.

Total 0

**HJR 8** - Representative Jacobson moved **HJR 8** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Balyeat, Davies, Kasten, Rice, Shockley, Vick.

Total 7

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: None.

Total 0

**SB 87** - Representative Jacobson moved **SB 87** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher,

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 92

Noes: Adams, R. Brown, Kasten, McCann, Pattison, Ripley, Mr. Speaker.

Total 7

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Vick moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Fuchs.

Total 1

Excused: Bitney, Curtiss, Eggers, Harris, Hurdle, Laslovich, A. Peterson.

Total 7

Absent or not voting: Vick, Walters.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 40** passed as follows:

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Schmidt, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: Bixby, D. Brown.

Total 2

**HB 78** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Schmidt, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: Tramelli.

Total 1

**HB 108** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher,

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, P. Clark, Gillan, Golie, Holden, Juneau, Waitschies, Wanzenried.  
Total 8

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Schmidt, Ayes.

Excused: Curtiss.  
Total 1

Absent or not voting: Laible.  
Total 1

**HB 110** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Schmidt, Ayes.

Excused: Curtiss.  
Total 1

Absent or not voting: Carney.  
Total 1

**HB 114** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Schmidt, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: None.

Total 0

**HB 166** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Jackson, McCann, Mood, Pattison, Ripley, Vick.

Total 8

Voted Absentee: Bitney, Eggers, Harris, Hurdle, Laslovich, A. Peterson, Schmidt, Ayes.

Excused: Curtiss.

Total 1

Absent or not voting: Shockley.

Total 1

**MOTIONS**

Representative Brueggeman requested on **HB 21**, third reading yesterday, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Clancy requested on **HB 142**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 2001

Representative Buzzas requested on **HB 110**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Olson requested on **HB 74**, third reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

Representative Devlin requested on **HB 114**, second reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

Representative Dale requested on **HB 148**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative K. Peterson requested on **HB 110**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Jacobson requested on **HB 110**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Sunday, January 28, 2001. Motion carried.

House adjourned at 9:42 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
January 29, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Waitschies. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bitney, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/29/2001  
Correctly engrossed: **HB 129, HB 142, HB 148, HB 175, HB 223, HB 249, HB 267, HB 311, HJR 4, HJR 8, SB 87.**

Correctly enrolled: **HB 39, HB 52.**

Signed by the Speaker at 8:37 a.m., January 26, 2001: **HB 25, HB 45, HB 98.**

**APPROPRIATIONS** (Vick, Chairman): 1/29/2001  
**HB 42**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "STANDARDS;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 2.

**Following:** line 22

**Insert:** "NEW SECTION. Section 2. Appropriation. There is appropriated from the federal special revenue fund to the office of public instruction \$30,000 for fiscal year 2002 and \$60,000 for fiscal year 2003 for the purposes of [section 1] that is in addition to any appropriation contained in House Bill No. 2."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/26/2001  
**HB 95**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 1/29/2001  
**HB 46**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "\$75,000"

**Insert:** "\$50,000"

2. Page 2, line 2 through line 4.

**Following:** "or"

**Strike:** the remainder of subsection (c)

**Insert:** "\$50,000 or less;"

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

3. Page 2, line 10.

**Strike:** "\$75,000"

**Insert:** "\$50,000"

And, as amended, do pass. Report adopted.

**HB 147**, introduced bill, be amended as follows:

1. Title, line 6 through line 10.

**Following:** "STATEMENT" on line 6

**Strike:** remainder of line 6 through "COMPLETE" on line 10

**Insert:** "AT LEAST 15 DAYS PRIOR TO THE DATE OF ISSUANCE OF THE WRITTEN FINDINGS ON A PERMIT APPLICATION"

2. Page 1, lines 21 through 24.

**Strike:** line 21 through line 24 in their entirety

**Insert:** "WHEREAS, completion of the environmental impact statement 15 days prior to the Department's written findings will allow efficient preparation of the environmental impact statement and will not delay the decision on the application."

3. Page 3, lines 25 and 26.

**Following:** "statement" on line 25

**Strike:** remainder of line 25 through "(8)(d)" on line 26

**Insert:** "at least 15 days prior to the date of issuance of the written findings pursuant to subsection (8)(f)"

4. Page 4, line 16.

**Strike:** "or" through "later"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/27/2001

**SB 2**, introduced by Stonington

**SB 132**, introduced by Halligan

**SB 164**, introduced by McNutt

**SB 170**, introduced by Halligan

**SB 189**, introduced by McNutt

**SB 234**, introduced by Tester

**SB 238**, introduced by Tester

**SB 252**, introduced by Cocchiarella

**SB 254**, introduced by Halligan

House bills concurred in and returned to the House:

1/27/2001

**HB 39**, introduced by Fuchs

**HB 52**, introduced by Gallik

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

1/27/2001

**HB 112**, introduced by Brueggeman

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 425**, introduced by Masolo, Gutsche, Kitzenberg, Lee, Schmidt, Schrumpf, referred to Human Services.

**HB 426**, introduced by Forrester, referred to Business and Labor.

**HB 427**, introduced by Rome, referred to Education.

**HB 428**, introduced by Forrester, Bohlinger, Crismore, referred to Taxation.

**HB 429**, introduced by Gallus, referred to Business and Labor.

**HB 430**, introduced by Clancy, referred to Transportation.

**HB 431**, introduced by Newman, Eggers, Erickson, Facey, Gutsche, Harris, Kaufmann, Keane, Lawson, Mangan, Raser, Shea, referred to Judiciary.

**HB 432**, introduced by Balyeat, Adams, Bales, Beck, Bohlinger, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Butcher, Carney, Clancy, P. Clark, Cobb, Curtiss, Dale, Davies, DePratu, Esp, Facey, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Hedges, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Keenan, Laible, Laslovich, Lenhart, Lewis, Lindeen, Mahlum, Mangan, McKenney, McNutt, Miller, Mood, Newman, Olson, Pattison, K. Peterson, Price, Rice, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Stonington, F. Thomas, Toole, Vick, Waitschies, Walters, Wanzenried, Wells, Whitaker, Witt, Wolery, Younkin, referred to Transportation.

**HB 433**, introduced by Schrumpf, referred to Transportation.

**HB 434**, introduced by Schrumpf, referred to Judiciary.

**HB 435**, introduced by Lawson, referred to Appropriations.

**HB 436**, introduced by Somerville, referred to Business and Labor.

**HB 437**, introduced by Jacobson, Nelson, referred to Business and Labor.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 40**, introduced by Christiaens (by request of the Department of Corrections), referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 208** - Representative Harris moved **HB 208** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 55** - Representative Juneau moved **HB 55** do pass. Motion carried as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Smith, Somerville, Thomas, Tramelli, Wanzenried, Whitaker, Wolery, Younkin.

Total 52

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, Rice, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Witt, Mr. Speaker.

Total 47

Voted Absentee: Bitney, No.

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**HB 127** - Representative Wanzenried moved **HB 127** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery,

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Younkin.  
Total 90

Noes: Adams, Bales, Balyeat, R. Brown, Mood, Pattison, Ripley, Witt, Mr. Speaker.  
Total 9

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: Davies.  
Total 1

**HB 152** - Representative Gallik moved **HB 152** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 91

Noes: Adams, Balyeat, Brueggeman, Davies, Fisher, Laszloffy, Sliter, Vick, Mr. Speaker.  
Total 9

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 174** - Representative Jent moved **HB 174** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 94

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Noes: Brueggeman, Fisher, Mangan, McCann, Olson, Mr. Speaker.  
Total 6

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 176** - Representative Jent moved **HB 176** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: Forrester, Witt.  
Total 2

**HB 215** - Representative Sliter moved consideration of **HB 215** be passed for the day. Motion carried.

**HB 216** - Representative Himmelberger moved **HB 216** do pass.

**HB 216** - Representative R. Brown moved for cloture. Motion carried.

Motion that **HB 216** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Forrester, Fuchs, Gallik, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Total 64

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lee, Lenhart, Mangan, Masolo, Newman, Raser, Ripley, Shockley, Smith, Tramelli, Wanzenried.

Total 36

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 246** - Representative Bales moved **HB 246** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Eggers, Gutsche, Harris, Hurdle, Juneau, Mangan, K. Peterson, Walters.

Total 8

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 256** - Representative C. Younkin moved **HB 256** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Total 93

Noes: Hurdle, Jayne, Kaufmann, Story.

Total 4

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Carney, Fuchs, Wanzenried.

Total 3

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 94

Noes: Golie, Mangan.

Total 2

Excused: Bitney.

Total 1

Absent or not voting: Fritz, Gutsche, Mr. Speaker.

Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 129** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,



HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Dale, Fisher.

Total 2

**HB 142** passed as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Bales, Barrett, Devlin, Eggers, Esp, Gallik, Kasten, Rice, Ripley, Steinbeisser, Story, Waddill.

Total 12

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher, Sliter.

Total 2

**HB 148** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Holden.

Total 1

**HB 175** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 93

Noes: Bookout-Reinicke, R. Brown, Curtiss, McCann, Rice, Rome, Mr. Speaker.

Total 7

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 223** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Noes: Bookout-Reinicke, Jayne, Laszloffy.  
Total 3

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: Lee, Waitschies.  
Total 2

**HB 249** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Waddill.  
Total 1

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: Waitschies.  
Total 1

**HB 267** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

**HB 311** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Esp, Himmelberger, Kasten, Pattison, Rice, Story, Vick.

Total 8

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 4** adopted as follows:

Ayes: Andersen, Bales, Barrett, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Golie, Haines, Harris, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 65

Noes: Adams, Balyeat, Bixby, Buzzas, Carney, P. Clark, Davies, Eggers, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, Mangan, Newman, Pattison, Schmidt, Smith, Vick, Wanzenried.

Total 31

Excused: Bitney.

Total 1

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

Absent or not voting: Cyr, McCann, Wolery.  
Total 3

**HJR 8** adopted as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Andersen, Balyeat, Curtiss, Davies, Devlin, Jayne, Kasten, Laszloffy, Mood, Pattison, Rice, Shockley, Steinbeisser, Vick.  
Total 15

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 87** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Adams, R. Brown, Ripley.  
Total 3

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

**MOTIONS**

Representative Facey requested on **HB 55**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Witt requested on **HB 246**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

1/29/2001

**HB 189**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "PATROL"

**Insert:** ", SHERIFF'S OFFICES, AND POLICE DEPARTMENTS"

2. Title, page 1, line 7 through line 8.

**Strike:** "PROVIDING" on page 1, line 7 through "AGENCIES;" on page 1, line 8

**Strike:** "AN EFFECTIVE" on line 8

**Insert:** "A TERMINATION"

3. Page 1, line 12.

**Following:** "patrol"

**Insert:** "and each sheriff's office and police department"

4. Page 1, line 13.

**Strike:** "semiannually"

**Insert:** "annually"

5. Page 1, line 16.

**Strike:** "identifying characteristics of each individual stopped, including the individual's"

**Insert:** "the"

6. Page 1, line 17.

**Following:** "gender"

**Insert:** "of each individual stopped"

7. Page 1, line 23.

**Following:** "5-11-210."

**Insert:** "The report must also contain the manner in which the highway patrol, sheriff's offices, and police departments are using the information collected."

8. Page 1, line 25.

**Strike:** "(1)"

**Following:** "patrol"

**Insert:** ", sheriff's offices, and police departments"

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2001

9. Page 1, line 27.

**Strike:** "(a)"

**Insert:** "(1)"

10. Page 1, line 29.

**Strike:** "(b)"

**Insert:** "(2)"

11. Page 2, line 1 through line 8.

**Strike:** subsections (2) and (3) in their entirety

12. Page 2, line 14.

**Strike:** section 4 in its entirety

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates June 30, 2005."

And, as amended, do pass. Report adopted.

**HB 329**, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 323**: Buzzas, Erickson, Gallik, Gutsche, Hurdle, Juneau, Kaufmann, Mangan, Newman, Wanzenried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, January 30, 2001. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 30, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Laible. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bookout-Reinicke, Mangan, and Witt, excused. Quorum present.

**COMMUNICATIONS AND PETITIONS**

Speaker McGee appointed the following representatives to the Select Committee on **HB 124**:

Representative Story, Chairman  
Representative Waitschies  
Representative Wanzenried  
Representative Branae  
Representative Mangan  
Representative Esp  
Representative Carney  
Representative K. Peterson

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/30/2001  
Correctly printed: **HB 42, HB 46, HB 95, HB 147, HB 189, HB 329.**  
Correctly engrossed: **HB 55, HB 127, HB 152, HB 174, HB 176, HB 208, HB 216, HB 246, HB 256.**  
Signed by the Speaker at 11:55 a.m., January 30, 2001: **HB 39, HB 52.**  
Delivered to the Governor for her approval at 3:55 p.m., January 30, 2001: **HB 25, HB 45, HB 98.**

**TAXATION** (Story, Chairman): 1/30/2001  
**HB 369**, introduced bill, be amended as follows:

1. Page 1, line 18.  
**Following:** "~~or less~~"  
**Insert:** "or less"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 1/29/2001

**SB 29**, introduced by McNutt  
**SB 130**, introduced by F. Thomas  
**SB 192**, introduced by DePratu



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Senate joint resolution passed and transmitted to the House for concurrence:

1/29/2001

**SJR 4**, introduced by Taylor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 438**, introduced by Mangan, Bohlinger referred to State Administration.

**HB 439**, introduced by Jacobson, referred to Local Government.

**HB 440**, introduced by Jacobson, referred to Local Government.

**HB 441**, introduced by Matthews, Gillan, referred to Taxation.

**HB 442**, introduced by Jayne, D. Brown, K. Peterson, referred to Transportation.

**HB 443**, introduced by Clancy (by request of the Secretary of State), referred to State Administration.

**HB 444**, introduced by Somerville, Gallus, Halligan, Mahlum (by request of the Attorney General), referred to Natural Resources.

**HB 445**, introduced by Gallik, referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 215** - Representative Shockley moved **HB 215** do pass. Motion carried as follows:

Ayes: Balyeat, Bixby, Bookout-Reinicke, Branae, Buzzas, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laible, Laslovich, Laszloffy, Lee, Lenhart, Lewis, Lindeen, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Shockley, Thomas, Tramelli, Vick, Waitschies, Walters, Wanzenried, Mr. Speaker.

Total 51

Noes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Galvin-Halcro, Golie, Haines, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Lawson, Lehman, Mangan, Masolo, Matthews, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Waddill, Whitaker, Witt, Wolery, Younkin.

Total 49

Voted Absentee: Bookout-Reinicke, Aye; Mangan, Witt, Noes.

Excused: None.

Total 0

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Absent or not voting: None.  
Total 0

**HB 258** - Representative Vick moved **HB 258** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 80

Noes: Barrett, Buzzas, E. Clark, Devlin, Eggers, Gallik, Haines, Harris, Hurdle, Juneau, Kaufmann, Lee, Lehman, K. Peterson, Rice, Ripley, Schmidt, Steinbeisser, Thomas.  
Total 19

Voted Absentee: Bookout-Reinicke, Mangan, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Masolo.  
Total 1

**HB 263** - Representative Jent moved **HB 263** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Gallik, Olson.  
Total 2

Voted Absentee: Bookout-Reinicke, Mangan, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lewis.  
Total 1

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

**HB 268** - Representative Ripley moved **HB 268** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Forrester, McCann, Wanzenried.

Total 4

Voted Absentee: Bookout-Reinicke, Mangan, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: Masolo.

Total 1

**HB 276** - Representative K. Peterson moved **HB 276** do pass.

**HB 276** - Representative Gallus moved **HB 276**, second reading copy, be amended as follows :

1. Page 5, line 27.

**Following:** "not"

**Strike:** "be less than"

**Insert:** "exceed"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Masolo, Matthews, McCann, Musgrove, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Wanzenried, Wolery.

Total 62

Noes: Barrett, Bitney, R. Brown, Clancy, E. Clark, Curtiss, Cyr, Davies, Fisher, Forrester, Galvin-Halcro, Gutsche, Harris, Hedges, Hurdle, Jent, Kaufmann, Keane, Lewis, Lindeen, McKenney, Mood, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Sliter, Thomas, Waddill, Walters, Whitaker, Younkin, Mr. Speaker.

Total 35

Excused: Bookout-Reinicke, Mangan, Witt.

Total 3

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Absent or not voting: None.  
Total 0

Motion that **HB 276**, as amended, do pass. Motion failed as follows:

Ayes: Bales, Bixby, Bookout-Reinicke, Branae, R. Brown, Callahan, Carney, Clancy, Curtiss, Cyr, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lee, Lindeen, Mangan, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schrumpf, Tramelli, Waddill, Witt, Wolery, Younkin.  
Total 46

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Davies, Erickson, Esp, Fritz, Fuchs, Haines, Hedges, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Mr. Speaker.  
Total 53

Voted Absentee: Bookout-Reinicke, Mangan, Witt, Ayes.

Excused: Dale.  
Total 1

Absent or not voting: None.  
Total 0

**HB 308** - Representative Younkin moved **HB 308** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 89

Noes: Adams, Buzzas, Davies, Esp, Himmelberger, Jackson, Lawson, Smith, Tropila, Waitschies, Mr. Speaker.  
Total 11

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

**HB 317** - Representative K. Peterson moved **HB 317** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Devlin.

Total 1

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

**HB 342** - Representative Clancy moved **HB 342** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Dell, McCann, Story.

Total 3

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 354** - Representative Lawson moved **HB 354** do pass. Motion carried as follows:

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Balyeat, Esp, Himmelberger, Kasten, Rice, Vick, Waitschies.

Total 8

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 42** - Representative Masolo moved **HB 42** do pass.

**HB 42** - Representative Masolo moved **HB 42**, second reading copy, be amended as follows :

1. Page 1, line 21.

**Strike:** "or"

2. Page 1, line 22.

**Following:** "20-8-101"

**Insert:** "; or (iv) a state youth correctional facility, as defined in 41-5-103"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Himmelberger.

Total 2

Excused: Bookout-Reinicke, Dale, Mangan, Witt.

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Total 4

Absent or not voting: Gutsche, Mood.

Total 2

Motion that **HB 42**, as amended, do pass.

Representative Buzzas moved consideration of **HB 42**, as amended, be passed for the day. Motion carried.

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted.

Representative K. Peterson made a substitute motion that **HB 276** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Tramelli, Waddill, Waitschies, Wanzenried, Wolery, Younkin.

Total 60

Noes: Adams, Bixby, D. Brown, R. Brown, Brueggeman, Clancy, Dale, Davies, Devlin, Esp, Fuchs, Galvin-Halcro, Hedges, Himmelberger, Jayne, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, Mood, Pattison, Price, Rome, Sliter, Somerville, Story, Thomas, Tropila, Vick, Walters, Whitaker, Witt.

Total 38

Voted Absentee: Bookout-Reinicke, Mangan, Ayes; Dale, Witt, Noes.

Excused: None.

Total 0

Absent or not voting: Buzzas, Mr. Speaker.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 55** failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Smith, Somerville, Tramelli, Wanzenried, Wolery, Younkin.

Total 48

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.  
Total 52

Voted Absentee: Bookout-Reinicke, Mangan, Ayes; Dale, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 127** passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 88

Noes: Adams, Bales, Balyeat, R. Brown, Davies, Kasten, Pattison, Rice, Ripley, Vick, Witt, Mr. Speaker.  
Total 12

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Ayes; Witt, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 152** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 88



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Noes: Adams, Balyeat, Brueggeman, Davies, Fisher, Fuchs, Kasten, Laszloffy, Pattison, Sliter, Vick, Mr. Speaker.  
Total 12

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 174** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 97

Noes: Mr. Speaker.  
Total 1

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bixby, Laible.  
Total 2

**HB 176** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

**HB 208** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 216** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Forrester, Gallik, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Masolo, Musgrove, Newman, Raser, Ripley, Shockley, Smith, Tramelli, Wanzenried.

Total 38

Voted Absentee: Bookout-Reinicke, Dale, Witt, Ayes; Mangan, No.

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 246** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Eggers, Erickson, Gutsche, Harris, Hurdle, Kaufmann.  
Total 6

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Davies.  
Total 1

**HB 256** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Hurdle, Jayne, Kaufmann, Story.  
Total 4

Voted Absentee: Bookout-Reinicke, Dale, Mangan, Witt, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Sliter moved that **HB 408** be taken from the Committee on Local Government and rereferred to the Committee on Transportation. Motion carried.

Representative Sliter moved that **HB 425** be taken from the Committee on Human Services and rereferred to the Committee on Appropriations. Motion carried.

Representative Sliter moved that **HB 124** be taken from the Committee on Local Government and rereferred to the Select Committee on **HB 124**. Motion carried.

Representative Bales requested on **HB 308**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Jacobson requested on **HB 129**, third reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

Representative Sliter requested on **HB 55 and 127**, third reading today, that the **Speaker's** vote be shown as no. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

1/30/2001

**HB 266**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "When"

**Insert:** "Within 30 days after"

2. Page 1, line 15 through line 16.

**Following:** "act" on line 15

**Insert:** "written"

**Strike:** "permit" on line 15 through "license" on line 16

**Insert:** "written statement of legal authority or within 30 days after the government act, whichever occurs last"

3. Page 1, line 18.

**Following:** "act"

**Insert:** "and the reason for the government act"

4. Page 1, line 20.

**Strike:** "taken or"

5. Page 1, line 22.

**Strike:** "clearly"

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 2001

6. Page 1, line 23.

**Insert:** "(4) An applicant may contest a written statement of legal authority in district court, is entitled to recover damages resulting from an improper statement of legal authority, and must be granted costs and attorney fees if the applicant prevails."

And, as amended, do pass. Report adopted.

**HB 286**, introduced bill, be amended as follows:

1. Page 1, line 26.

**Following:** "defendant"

**Insert:** "or that the defendant's right to a fair trial would be jeopardized if the family member is not excluded"

And, as amended, do pass. Report adopted.

**SB 40**, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, January 31, 2001. Motion carried.

House adjourned at 3:07 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 31, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Holden. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Fisher and Pattison, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twentieth, twenty-first, and twenty-second legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**MOTIONS**

Representative Sliter moved that **HB 356** be taken from the Committee on Natural Resources and rereferred to the Committee on Local Government. Motion carried.

Representative Sliter moved consideration of **HB 189** be passed for the day. Motion carried.

Representative Sliter moved that **HB 258** be taken from third reading and rereferred to second reading today. Motion carried.

Representative Gallik moved that **HB 445** be taken from the Committee on Appropriations and rereferred to the Committee on Federal Relations, Energy, and Telecommunications.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/30/2001

**SB 50**, introduced by Waterman  
**SB 57**, introduced by Johnson  
**SB 90**, introduced by Ekegren  
**SB 161**, introduced by Hargrove  
**SB 162**, introduced by Grosfield  
**SB 240**, introduced by McNutt  
**SB 262**, introduced by Wells  
**SB 279**, introduced by McNutt

**MESSAGES FROM THE GOVERNOR**

January 30, 2001

The Honorable Dan McGee  
Speaker of the House

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 17** sponsored by Representative Haines on January 30, 2001.

Sincerely,

JUDY MARTZ  
Governor

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/31/2001  
Correctly printed: **HB 266, HB 286, HB 369, SB 40.**  
Correctly engrossed: **HB 215, HB 258, HB 263, HB 268, HB 308, HB 317, HB 342, HB 354.**  
Delivered to the Governor for her approval at 3:25 p.m., January 31, 2001: **HB 39, HB 52.**

**APPROPRIATIONS** (Vick, Chairman): 1/31/2001  
**HB 73**, introduced bill, be amended as follows:

1. Page 3, line 22.

**Strike:** "WATER PROTECTION BUREAU"

**Insert:** "plan and specification review program of the public water supply section"

2. Page 4, line 19.

**Following:** "committee"

**Insert:** ", the legislative finance committee,"

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman): 1/31/2001  
**HB 272**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "STUDENT"

**Insert:** "SCHOOL DISTRICT"

**Following:** "TO"

**Insert:** "DETERMINE THE AMOUNT OF TIME FOR WHICH A STUDENT MAY"

2. Title, line 5.

**Strike:** "ONE" through "FOR"

3. Page 1, line 11.

**Strike:** "an elementary or high"

**Insert:** "a"

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

4. Page 1, lines 13 and line 14.

**Strike:** "for" on line 13 through "day" on line 14

5. Page 1, line 15.

**Following:** "guardian."

**Insert:** "The trustees shall determine the amount of time for which a pupil may be released for religious instruction."

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

1/31/2001

**HB 365**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 446**, introduced by Mood, Bales, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Curtiss, Fisher, Fuchs, Haines, Hedges, Jackson, Lehman, McGee, Olson, Pattison, K. Peterson, Sliter, Somerville, B. Thomas, Waitschies, Whitaker, referred to Natural Resources.

**HB 447**, introduced by Lewis, referred to Appropriations.

**HB 448**, introduced by Forrester, Glaser, referred to Business and Labor.

**HB 449**, introduced by Younkin, Buzzas, Juneau, Laszloffy, referred to Appropriations.

**HB 450**, introduced by Lawson, referred to State Administration.

**HB 451**, introduced by Golie, Callahan, Carney, Christiaens, P. Clark, Dell, Eggers, Facey, Galvin-Halcro, Gillan, Harris, Lindeen, Mangan, Newman, Ripley, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried, referred to Fish, Wildlife and Parks.

**HB 452**, introduced by Whitaker, Lewis, Mood, Newman, Olson, referred to State Administration.

**HB 453**, introduced by Wanzenried, Raser, Waddill, referred to Local Government.

**HB 454**, introduced by P. Clark, Fuchs, Golie, Hedges, Newman, Tramelli, referred to Fish, Wildlife and Parks.

**HB 455**, introduced by Lewis, referred to Natural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 15**, introduced by Lawson, Lenhart, Matthews, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallus in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 42** - Representative Masolo moved **HB 42** do pass.

**HB 42** - Representative Buzzas moved **HB 42**, second reading copy, be further amended from second reading



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

yesterday as follows :

1. Page 2, line 25.

**Following:** "THE"

**Strike:** "FEDERAL SPECIAL REVENUE"

**Insert:** "general"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Voted Absentee: Fisher, No.

Excused: Pattison.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 42**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Buzzas, Erickson, Gillan, Golie, Juneau, Kaufmann, Raser, Wanzenried.

Total 8

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Bixby, Buzzas, Erickson, Galvin-Halcro, Golie, Gutsche, Juneau, Kaufmann, Smith, Wanzenried.

Total 10

Excused: Fisher, Pattison.

Total 2

Absent or not voting: Balyeat, Bookout-Reinicke, Fuchs, Raser.

Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 215** passed as follows:

Ayes: Adams, Balyeat, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Shockley, Smith, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Mr. Speaker.

Total 60

Noes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Esp, Fisher, Golie, Hedges, Himmelberger, Jackson, Jent, Keane, Lawson, Masolo, Matthews, Mood, Pattison, K. Peterson, Rice, Ripley, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Whitaker, Witt, Wolery, Younkin.

Total 39

Voted Absentee: Fisher, Pattison, Noes.

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

**HB 263** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Gallik, Olson, Ripley, Thomas.  
Total 4

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: Schmidt.  
Total 1

**HB 268** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Adams, Forrester, McCann.  
Total 3

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

Absent or not voting: Tropila.  
Total 1

**HB 308** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 87

Noes: Adams, Buzzas, Davies, Esp, Himmelberger, Jackson, Lawson, Mangan, Ripley, Tropila, Waitschies, Mr. Speaker.  
Total 12

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

**HB 317** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: E. Clark, Devlin.  
Total 2

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Carney.

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

Total 2

**HB 342** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 354** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, Balyeat, Dale, Esp, Fuchs, Himmelberger, Kasten, Pattison, Rice, Vick, Waitschies.

Total 11

Voted Absentee: Fisher, Aye; Pattison, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 31, 2001

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

1/31/2001

**HB 336**, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, February 1, 2001. Motion carried.

House adjourned at 1:56 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 1, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Waddill. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Curtiss and Gallus, excused. Quorum present.

**MOTIONS**

Representative Wanzenried moved that **HB 168** be taken from table in the Committee on Judiciary and rereferred to the Committee of the Whole tomorrow.

Representative Mood moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Walters, Whitaker, Younkin, Mr. Speaker.

Total 54

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Mood, Newman, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Witt, Wolery.

Total 43

Excused: Curtiss, Gallus.

Total 2

Absent or not voting: Matthews.

Total 1

Motion that **HB 168** be taken from table in the Committee on Judiciary and rereferred to the Committee of the Whole failed as follows:

Ayes: Balyeat, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, K. Peterson, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Vick, Waddill, Wanzenried.

Total 48

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome,

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin,  
Mr. Speaker.  
Total 49

Excused: Curtiss, Gallus.  
Total 2

Absent or not voting: McCann.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/1/2001  
Correctly printed: **HB 73, HB 272, HB 326, HB 336, HB 348, HB 349, HB 365.**  
Correctly engrossed: **HB 42.**

**BUSINESS AND LABOR** (McKenney, Chairman): 1/30/1999  
**HB 348**, introduced bill, be amended as follows:

1. Title, line 7 through line 9.

**Strike:** "CHANGING" on line 7 through "STORES;" on line 9

**Strike:** "SECTIONS" on line 9

**Insert:** "SECTION"

**Strike:** "AND 16-2-109" on line 9

2. Page 2, line 21.

**Strike:** "5.5%"

**Strike:** "the top 50% of"

**Strike:** "the greatest"

**Insert:** "a"

**Following:** "sales"

**Insert:** "of \$500,000 or more, 0.125% beginning July 1, 2001, 2% beginning July 1, 2003, and 3.5% beginning July 1, 2005"

**Strike:** "or"

3. Page 2, line 22.

**Strike:** "8.5%"

**Strike:** "the 50% of"

**Strike:** "the lowest"

**Insert:** "a"

**Strike:** "."

**Insert:** "of less than \$500,000, 1.25% beginning July 1, 2001, 4.5% beginning July 1, 2003, and 6.5% beginning July 1, 2005; or"

4. Page 2.

**Following:** line 22

**Insert:** "(iii) for a city with more than one agency liquor store, in lieu of the addition to a commission increase provided in subsection (4)(b)(i) or (4)(b)(ii), for each store in the city, an addition to its commission rate



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

equal to the increase granted the store with the lowest commission rate."

5. Page 6, line 7 through line 21.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 349**, introduced bill, be amended as follows:

1. Page 2, line 6.

**Strike:** "Title 2, chapter 2,"

**Insert:** "2-2-121 and 2-2-201"

And, as amended, do pass. Report adopted.

**HB 379**, introduced bill, be amended as follows:

1. Title, lines 5 through 7.

**Following:** "PROVIDE"

**Strike:** "AN" on line 5 through "PENALTY" on line 7

**Insert:** "REST PERIODS; PROVIDING THAT EMPLOYERS MAY NOT REQUIRE EMPLOYEES TO WORK MORE THAN 4 HOURS WITHOUT A REST PERIOD OF NOT LESS THAN 10 MINUTES; PROVIDING EXCEPTIONS"

2. Page 1, line 12.

**Strike:** "-- definition -- penalty"

3. Page 1, line 12 through line 14.

**Strike:** "An" on line 12 through "work" on line 14

**Insert:** "An employee may not be required to work more than 4 hours without a rest period of not less than 10 minutes. Rest periods must be accommodated within the reasonable flow of work"

4. Page 1, line 15 through line 18.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

5. Page 1, line 19.

**Strike:** "As" through "has"

**Insert:** "This section applies to an employer that employs"

6. Page 1.

**Following:** line 20

**Insert:** "(3) This section does not alter the terms, conditions, or practices contained in any collective bargaining agreement.

(4) This section does not apply to an individual subject to the provisions of the Motor Carrier Act (49 U.S.C. 31502) or the Railway Labor Act (45 U.S.C. 151)."

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

And, as amended, do pass. Report adopted.

**HB 386**, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman):

2/1/2001

**HB 65**, do pass. Report adopted.

**HB 140**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

1/31/2001

**HB 326**, introduced bill, be amended as follows:

1. Title, page 1, line 5 and line 6.

**Strike:** "ALLOWING" on line 5 through ";" on line 6

2. Title, page 1, line 6.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

3. Title, page 1, line 7.

**Strike:** "AND 13-12-202"

4. Page 2, line 13 through line 23.

**Strike:** section 2 in its entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/31/2001

**SB 27**, introduced by R. Holden

**SB 35**, introduced by Bishop

**SB 56**, introduced by McNutt

**SB 115**, introduced by R. Holden

**SB 168**, introduced by Stonington

**SB 269**, introduced by McNutt

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 456**, introduced by Gutsche, Bishop, Bohlinger, Franklin, Lenhart, Nelson, A. Peterson, B. Thomas, referred to Human Services.

**HB 457**, introduced by Haines, referred to Natural Resources.

**HB 458**, introduced by Barrett, Bales, Devlin, K. Peterson, referred to Business and Labor.

**HB 459**, introduced by Mood, Beck, Berry, Bitney, Brueggeman, Crismore, Ekegren, Ellis, Fisher, Grimes, Grosfield, Haines, Hargrove, R. Holden, Kasten, Laible, McGee, McNutt, Mohl, Pattison, Sliter, B. Thomas, Younkin, referred to Natural Resources.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**HB 460**, introduced by A. Peterson, referred to Natural Resources.

**HB 461**, introduced by Shockley, referred to Transportation.

**HB 462**, introduced by Witt, referred to Natural Resources.

**HB 463**, introduced by Lee, Buzzas, Callahan, Clancy, Cocchiarella, Doherty, Gallus, Grimes, Halligan, Kitzenberg, Laslovich, Mangan, Roush, Toole, referred to Business and Labor.

**HB 464**, introduced by Lee, referred to Agriculture.

**HB 465**, introduced by Kaufmann, Bohlinger, Christiaens, Ellingson, Facey, Halligan, Hurdle, Lee, Toole, Wanzenried, Waterman, referred to Judiciary.

**HB 466**, introduced by Erickson, Bixby, P. Clark, Eggers, Gutsche, Harris, Juneau, Lee, Tester, Wanzenried, referred to Transportation.

**HB 467**, introduced by Wanzenried, Carney, Erickson, Harris, referred to Federal Relations, Energy, and Telecommunications.

**HB 468**, introduced by Galvin-Halcro, referred to Appropriations.

**HB 469**, introduced by Rice, Adams, Andersen, Barrett, D. Brown, Callahan, Clancy, P. Clark, Cyr, Davies, Eggers, Esp, Facey, L. Holden, Jacobson, Jent, Lee, Lehman, Lewis, Lindeen, Matthews, McGee, Mood, Newman, Raser, Ripley, Schrupf, Tash, Waitschies, Whitaker, referred to Local Government.

**HB 470**, introduced by Keane, referred to Local Government.

**HB 471**, introduced by K. Peterson, Bohlinger, referred to Judiciary.

**HB 472**, introduced by Rome, referred to State Administration.

**HB 473**, introduced by Younkin, Beck, Berry, Bitney, D. Brown, Cole, Crismore, Dale, Ekegren, Ellis, Forrester, Grosfield, Haines, Hargrove, R. Holden, Laible, Matthews, McGee, McNutt, Mohl, Mood, Sliter, Tash, F. Thomas, referred to Natural Resources.

**HB 474**, introduced by Sliter, referred to Federal Relations, Energy, and Telecommunications.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 16**, introduced by Haines, Bishop, P. Clark, Franklin, referred to Fish, Wildlife and Parks.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 1**, introduced by Grimes, referred to Judiciary.

**SB 2**, introduced by Stonington (by request of the Revenue and Taxation Interim Committee), referred to Taxation.

**SB 4**, introduced by Grimes (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**SB 6**, introduced by Cole (by request of the Environmental Quality Council), referred to Natural Resources.

**SB 7**, introduced by Cole (by request of the Environmental Quality Council), referred to Natural Resources.

**SB 8**, introduced by Waterman, referred to State Administration.

**SB 10**, introduced by Stonington (by request of the Legislative Council), referred to State Administration.

**SB 11**, introduced by Shea (by request of the Legislative Council), referred to State Administration.

**SB 12**, introduced by Nelson, referred to Business and Labor.

**SB 20**, introduced by Halligan (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**SB 23**, introduced by Halligan, referred to Business and Labor.

**SB 26**, introduced by R. Holden, referred to Judiciary.

**SB 28**, introduced by Halligan (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 29**, introduced by McNutt (by request of the Department of Public Health and Human Services), referred to Judiciary.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**SB 30**, introduced by Mahlum (by request of the Department of Commerce), referred to Business and Labor.

**SB 31**, introduced by Berry (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 32**, introduced by Shea (by request of the Department of Labor and Industry), referred to Business and Labor.

**SB 34**, introduced by Johnson (by request of the Department of Commerce), referred to Human Services.

**SB 38**, introduced by Grimes (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 41**, introduced by Roush, referred to Local Government.

**SB 42**, introduced by McCarthy (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 44**, introduced by Bishop (by request of the Department of Revenue), referred to Taxation.

**SB 45**, introduced by Ellis (by request of the Department of Revenue), referred to Taxation.

**SB 51**, introduced by Hargrove (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to State Administration.

**SB 52**, introduced by Roush (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to Human Services.

**SB 53**, introduced by Roush (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to Transportation.

**SB 54**, introduced by Roush (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to Fish and Game.

**SB 55**, introduced by Cole (by request of the Department of Agriculture), referred to Agriculture.

**SB 58**, introduced by Halligan (by request of the Department of Transportation), referred to Transportation.

**SB 59**, introduced by Nelson, referred to Business and Labor.

**SB 60**, introduced by McCarthy, referred to Education.

**SB 61**, introduced by Johnson (by request of the Department of Administration), referred to Taxation.

**SB 63**, introduced by Tester, referred to Judiciary.

**SB 74**, introduced by McNutt, referred to Business and Labor.

**SB 75**, introduced by Jergeson (by request of the Department of Natural Resources and Conservation), referred to State Administration.

**SB 85**, introduced by Tester, referred to Judiciary.

**SB 89**, introduced by Waterman, referred to State Administration.

**SB 91**, introduced by Tash (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 92**, introduced by Halligan (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 93**, introduced by Halligan, referred to Business and Labor.

**SB 102**, introduced by Cole (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 103**, introduced by Zook (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 104**, introduced by Sprague (by request of the Department of Fish, Wildlife and Parks), referred to Fish, Wildlife and Parks.

**SB 105**, introduced by Mahlum (by request of the Department of Fish, Wildlife and Parks), referred to Fish, Wildlife and Parks.

**SB 106**, introduced by Sprague, referred to Business and Labor.

**SB 108**, introduced by Franklin (by request of the Legislative Finance Committee), referred to Human Services.

**SB 112**, introduced by Nelson (by request of the Legislative Audit Committee), referred to Business and Labor.

**SB 113**, introduced by Nelson (by request of the Department of Justice), referred to Judiciary.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**SB 114**, introduced by Taylor, referred to State Administration.

**SB 120**, introduced by Tester (by request of the Legislative Audit Committee), referred to State Administration.

**SB 122**, introduced by Shea (by request of the Business and Labor Interim Committee), referred to Business and Labor.

**SB 123**, introduced by Bohlinger, referred to State Administration.

**SB 130**, introduced by F. Thomas, referred to Education.

**SB 132**, introduced by Halligan, referred to Judiciary.

**SB 133**, introduced by Jergeson (by request of the Department of Administration), referred to Taxation.

**SB 135**, introduced by Waterman (by request of the Legislative Finance Committee), referred to Human Services.

**SB 142**, introduced by Sprague (by request of the Department of Revenue), referred to Business and Labor.

**SB 143**, introduced by Ekegren, Cole, Hedges, Keane, Witt (by request of the Department of Agriculture), referred to Agriculture.

**SB 145**, introduced by Berry (by request of the State Compensation Insurance Fund), referred to Business and Labor.

**SB 146**, introduced by Keenan (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 147**, introduced by Keenan (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 148**, introduced by Tester, referred to State Administration.

**SB 149**, introduced by Grosfield (by request of the State Library Commission), referred to Local Government.

**SB 150**, introduced by Hargrove (by request of the Department of Transportation), referred to Transportation.

**SB 152**, introduced by Mahlum (by request of the Department of Transportation), referred to Transportation.

**SB 153**, introduced by O'Neil (by request of the Department of Transportation), referred to Transportation.

**SB 156**, introduced by Cocchiarella, referred to Business and Labor.

**SB 157**, introduced by Cocchiarella, referred to Business and Labor.

**SB 159**, introduced by Grosfield (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**SB 164**, introduced by McNutt (by request of the Department of Labor and Industry), referred to Business and Labor.

**SB 165**, introduced by Cole, Beck, McNutt (by request of the Department of Agriculture), referred to Agriculture.

**SB 166**, introduced by Stonington (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 170**, introduced by Halligan (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**SB 172**, introduced by Johnson (by request of the Office of Budget and Program Planning), referred to Taxation.

**SB 175**, introduced by Glaser (by request of the Revenue and Taxation Interim Committee), referred to Local Government.

**SB 180**, introduced by Beck (by request of the Legislative Council), referred to Legislative Administration.

**SB 182**, introduced by Cobb, referred to Education.

**SB 184**, introduced by Cobb, referred to State Administration.

**SB 185**, introduced by Cobb, referred to State Administration.

**SB 189**, introduced by McNutt, referred to Business and Labor.

**SB 192**, introduced by DePratu, referred to Taxation.

**SB 194**, introduced by Nelson, referred to Human Services.

**SB 199**, introduced by Taylor, referred to Local Government.

**SB 203**, introduced by Cole, Cocchiarella, Dale, Forrester, Gillan, Lewis, Lindeen, Rome, Roush, Tester, Vick, Wanzenried, referred to Transportation.

**SB 204**, introduced by Cobb, referred to Judiciary.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**SB 205**, introduced by Cobb, referred to State Administration.

**SB 209**, introduced by Waterman, referred to Judiciary.

**SB 211**, introduced by Shea, referred to Business and Labor.

**SB 214**, introduced by Tash, referred to Education.

**SB 217**, introduced by Cobb, referred to Judiciary.

**SB 228**, introduced by Ekegren, referred to State Administration.

**SB 229**, introduced by Cocchiarella, Buzzas, Ellingson, Haines, Halligan, Harris, Mahlum, Shea, Stonington, F. Thomas, Toole, referred to Judiciary.

**SB 234**, introduced by Tester, Bales, Berry, Christiaens, Cole, Doherty, Ellingson, Esp, Gillan, Grosfield, Gutsche, Halligan, Jergeson, Lee, Lindeen, Mangan, Mohl, Nelson, Price, Roush, Shea, F. Thomas, Wells, referred to Federal Relations, Energy, and Telecommunications.

**SB 235**, introduced by Cocchiarella, Beck, Doherty, Gallus, Glaser, Haines, Hargrove, Harrington, Keane, Lewis, Mahlum, Mood, B. Thomas, F. Thomas, Tropila, referred to State Administration.

**SB 236**, introduced by Grimes, Christiaens, referred to State Administration.

**SB 238**, introduced by Tester, Bishop, P. Clark, Facey, Franklin, Fuchs, Gallus, Laszloffy, Ripley, Sprague, Tash, referred to Fish, Wildlife and Parks.

**SB 252**, introduced by Cocchiarella, referred to Business and Labor.

**SB 254**, introduced by Halligan (by request of the Attorney General), referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 2**, introduced by Waterman (by request of the Legislative Finance Committee), referred to Judiciary.

**SJR 5**, introduced by Roush (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative R. Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 95** - Representative Matthews moved **HB 95** do pass. Motion carried as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Wanzenried, Witt, Wolery.

Total 53

Noes: Adams, Andersen, Balyeat, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Dell, Esp, Fisher, Forrester, Haines, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lee, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Pattison, Rice, Rome, Schrupf, Shockley, Sliter, Somerville, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Younkin, Mr. Speaker.

Total 47

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Voted Absentee: Gallus, Aye; Curtiss, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 224** - Representative Hurdle moved **HB 224** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.

Total 66

Noes: Adams, Balyeat, Barrett, Bitney, Brueggeman, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, McKenney, Mood, Pattison, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Witt, Younkin, Mr. Speaker.

Total 34

Voted Absentee: Gallus, Aye; Curtiss, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 238** - Representative B. Thomas moved **HB 238** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Golie.

Total 1

Voted Absentee: Curtiss, Gallus, Ayes.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 325** - Representative Laible moved **HB 325** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Curtiss, Gallus, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 46** - Representative Dale moved **HB 46** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: D. Brown.  
Total 1

Voted Absentee: Curtiss, Gallus, Ayes.



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 147** - Representative Dale moved **HB 147** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Curtiss, Gallus, Ayes.

Excused: None.  
Total 0

Absent or not voting: McCann, Sliter.  
Total 2

**HB 189** - Representative Eggers moved **HB 189** do pass. Motion carried as follows:

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, A. Peterson, K. Peterson, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzenried.  
Total 51

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, Price, Rice, Ripley, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 49

Voted Absentee: Gallus, Aye; Curtiss, No.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 329** - Representative Somerville moved **HB 329** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Juneau, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 81

Noes: Adams, Brueggeman, Davies, Fuchs, Jayne, Jent, Kasten, Kaufmann, Laszloffy, Lewis, Lindeen, McCann, Pattison, Shockley, Steinbeisser, Story, Vick, Walters, Mr. Speaker.  
Total 19

Voted Absentee: Curtiss, Gallus, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 369** - Representative Laslovich moved **HB 369** do pass.

**HB 369** - Representative Laslovich moved **HB 369**, second reading copy, be amended as follows :

1. Page 1, line 17.

**Strike:** "more"

**Strike:** "OR LESS"

**Insert:** "other"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Total 94

Noes: Adams, Mangan, Shockley, Vick.

Total 4

Excused: Curtiss, Gallus.

Total 2

Absent or not voting: None.

Total 0

Motion that **HB 369**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Curtiss, Gallus, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 1** - Representative McCann moved **HJR 1** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Adams, Balyeat, Holden, Kasten, Pattison, Vick.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Total 6

Voted Absentee: Curtiss, Gallus, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 258** - Representative Vick moved **HB 258** do pass.

**HB 258** - Representative Vick moved **HB 258**, second reading copy, be amended as follows :

1. Title, lines 7 and 8.

**Strike:** "APPROPRIATING MONEY" on line 7

**Following:** "ACCOUNT" on line 7

**Strike:** remainder of line 7 through "RANGES;" on line 8

2. Page 3, line 18 through line 21.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Bixby, Juneau.

Total 2

Excused: Curtiss, Gallus.

Total 2

Absent or not voting: Schmidt.

Total 1

Motion that **HB 258**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson,

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Bixby, Devlin, Eggers, Gutsche, Juneau, Mangan, Olson, Smith.  
Total 8

Voted Absentee: Curtiss, Gallus, Ayes.

Excused: None.  
Total 0

Absent or not voting: Esp.  
Total 1

**HB 47** - Representative Price moved **HB 47** do pass.

**HB 47** - Representative Facey moved **HB 47**, second reading copy, be amended.

Representative Price moved consideration of **HB 47** be passed for the day. Motion carried.

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Curtiss, Gallus.  
Total 2

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 42** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Bixby, Buzzas, Erickson, Gillan, Golie, Gutsche, Juneau, Kaufmann, Raser, Wanzenried.

Total 10

Voted Absentee: Curtiss, Gallus, Ayes.

Excused: None.

Total 0

Absent or not voting: Esp, Kasten.

Total 2

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 2/1/2001

**HB 242**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "REVISING THE DEFINITION OF "PUBLIC UTILITY";"

2. Title, lines 6 and 7.

**Strike:** "THE PUBLIC" on line 6 through "RULES;" on line 7

**Insert:** "A PRIVATE RIGHT OF ACTION; AND" on line 7

**Following:** "PENALTY" on line 7

**Strike:** ";;"

3. Title, lines 8 and 9.

**Strike:** line 8 in its entirety through "DATES" on line 9

4. Page 1, line 23 through line 25.

**Following:** "radios" on line 23

**Strike:** the remainder of line 23 through "prohibition" on line 25

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**Insert:** "and to provide a private right of action for the enforcement of the prohibition"

5. Page 1, line 29 through page 2, line 19.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

6. Page 2, line 22.

**Strike:** "commission to adopt rules"

**Insert:** "private right of action"

7. Page 2, lines 24 and 25.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

8. Page 2, lines 26 and 27.

**Strike:** ", the rules of the commission, or an order issued by the commission"

9. Page 2, line 28 through page 3, line 1.

**Strike:** "paid" on page 2, line 28 through "fund" on page 3, line 1

**Insert:** "collected as provided in this section"

10. Page 3, line 4 through page 3, line 8.

**Strike:** subsections (5) and (6) in their entirety

**Insert:** "(4) An individual may bring a civil action in the district court of a county in which the individual resides to collect the civil penalty provided for in this section, prevent the operation or continued operation of a citizens band radio that has not been authorized by the federal communications commission, or both. The action may be brought pursuant to this section and Title 27, chapter 19, and this section or pursuant to other applicable law.

(5) Proof of operation, ownership, or other control over the operation of the radio and lack of authorization by the federal communications commission constitute proof of a violation of subsection (1).

(6) An individual who substantially prevails in an action brought pursuant to this section must be awarded costs and reasonable attorney fees."

11. Page 3, line 10.

**Strike:** "2"

**Insert:** "1"

12. Page 3, line 11.

**Strike:** "69" in two places

**Insert:** "27, chapter 1, part 7," in two places

**Strike:** "2"

**Insert:** "1"

13. Page 3, line 13 through line 15.

**Strike:** section 4 in its entirety

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**HB 271**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

**Strike:** "45" on line 8

**Insert:** "60"

**Following:** "DAYS;" on line 8

**Strike:** remainder of line 8 through "AGREEMENT;" on line 9

2. Page 1, line 17.

**Strike:** "45"

**Insert:** "60"

3. Page 1, lines 27 and 28.

**Strike:** subsection 3 in its entirety

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/1/2001

**HB 179**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "THE AVERAGE HOMEOWNER"

**Insert:** "A HOME VALUED AT \$100,000"

2. Title, page 1, line 8.

**Strike:** "OF A STATED"

**Insert:** "WITH THAT"

3. Page 1, line 29.

**Following:** "be"

**Insert:** "prepared by the governing body and"

4. Page 1, line 30 through page 2, line 1.

**Following:** "on" on line 30

**Strike:** remainder of line 30 through "homeowner" on page 2, line 1

**Insert:** "a home valued at \$100,000"

5. Page 2, line 2.

**Following:** "residence of"

**Strike:** "of a stated"

**Insert:** "with that"

6. Page 4, line 13.

**Strike:** "the average homeowner"

**Insert:** "a home valued at \$100,000"

7. Page 4, line 14.

**Strike:** "of a stated"



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**Insert:** "with that"

8. Page 20, line 9.

**Strike:** "the average homeowner"

**Insert:** "a home valued at \$100,000"

9. Page 20, line 10.

**Strike:** "of a stated"

**Strike:** "with that"

And, as amended, do pass. Report adopted.

**HB 210**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Strike:** "board is"

**Insert:** "commissioners are"

2. Page 1, line 19.

**Strike:** "its"

**Insert:** "their"

3. Page 1, line 20.

**Strike:** "board"

**Insert:** "commissioners"

4. Page 1, line 21.

**Strike:** "its"

**Insert:** "their"

And, as amended, do pass. Report adopted.

**HB 257**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "CLAIM;"

**Insert:** "REQUIRING THE COUNTY TO PAY COSTS AND ATTORNEY FEES ASSOCIATED WITH AN APPEAL OF A DISAPPROVED CLAIM THAT IS SUBSTANTIALY JUSTIFIED EVEN IF THE APPEAL IS UNSUCCESSFUL;"

2. Page 2, line 2.

**Following:** "days"

**Insert:** "and the county is responsible for paying all costs and attorney fees associated with the appeal by the auditor as long as the appeal is substantially justified, even if the appeal is unsuccessful."

And, as amended, do pass. Report adopted.

**HB 298**, do pass. Report adopted.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 1, 2001

**TRANSPORTATION** (Somerville, Chairman):

2/1/2001

**HB 219**, do pass. Report adopted.

**HB 375**, do pass. Report adopted.

**HB 391**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Strike:** "adjacent to or away from"

**Insert:** "that is not adjacent to"

2. Page 1, line 28.

**Following:** "located"

**Insert:** "or move as far away from the authorized emergency vehicle as possible"

And, as amended, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 31**: Bixby, Branae, Buzzas, Callahan, Carney, Christiaens, Cyr, Dell, Doherty, Eggers, Ellingson, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harrington, Hurdle, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Matthews, Musgrove, Nelson, Newman, Pease, Raser, Roush, Schmidt, Smith, Tramelli, Tropila, and Wanzenried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Younkin moved that the House adjourn until 1:00 p.m., Friday, February 2, 2001. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 2, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Forrester. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Curtiss, Gallus, Harris, and Jackson, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Mick Murray, Great Falls  
Amy Hinebaugh, Glendive  
Susie Dickey, Helena  
Haley Bradley, Lolo  
J. T. Doering, Dillon  
Desi Osen, Hinsdale  
Sara Van Roekel, Laurel

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/2/2001  
Correctly printed: **HB 65, HB 140, HB 179, HB 210, HB 219, HB 242, HB 257, HB 271, HB 298, HB 375, HB 379, HB 386, HB 391.**  
Correctly engrossed: **HB 46, HB 95, HB 147, HB 189, HB 224, HB 238, HB 258, HB 325, HB 329, HB 369, HJR 1.**  
Correctly enrolled: **HB 34, HB 36, HB 56.**  
Signed by the Speaker at 3:05 p.m., February 2, 2001: **SB 87.**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/1/2001  
**HB 382**, do pass. Report adopted.  
**HB 417**, do pass. Report adopted.  
**HB 437**, do pass. Report adopted. 2/2/2001

**JUDICIARY** (Shockley, Chairman): 2/1/2001  
**HB 262**, introduced bill, be amended as follows:

1. Page 3, line 7 through line 11.  
**Strike:** "The steps" on line 7 through the end of line 11

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 2/1/2001  
**HB 118**, introduced bill, be amended as follows:

1. Page 2.  
**Following:** line 15

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

**Insert:** "(3) The small business stationary source representative may not provide information that the representative obtains from a small business stationary source to the department for use in any administrative or judicial action to enforce the requirements of this chapter, unless the information discloses a violation that constitutes an imminent and substantial danger to human health, safety, or the environment."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman): 2/2/2001

**HB 90**, do pass. Report adopted.

**HB 376**, do pass. Report adopted.

**HB 383**, do pass. Report adopted.

**TAXATION** (Story, Chairman): 2/1/2001

**HB 362**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/1/2001

**SB 77**, introduced by Hargrove

**SB 82**, introduced by Keenan

**SB 179**, introduced by Zook

**SB 256**, introduced by Hargrove

**SB 275**, introduced by Hargrove

House bills concurred in and returned to the House: 2/1/2001

**HB 34**, introduced by Gallik

**HB 36**, introduced by Gallik

**HB 56**, introduced by Lawson

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/1/2001

**HB 29**, introduced by Noennig

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 475**, introduced by Davies, referred to Judiciary.

**HB 476**, introduced by Vick, referred to Transportation.

**HB 477**, introduced by Kasten, Beck, Cole, Crismore, Forrester, McGee, Sliter, Tash, Tester, F. Thomas, referred to Natural Resources.

**HB 478**, introduced by Golie, referred to Human Services.

**HB 479**, introduced by Gallus, referred to Business and Labor.

**HB 480**, introduced by Gallus, referred to Fish, Wildlife and Parks.

**HB 481**, introduced by Gallus, referred to Fish, Wildlife and Parks.

**HB 482**, introduced by Gillan, P. Clark, Facey, Golie, referred to Human Services.

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

**HB 483**, introduced by Wanzenried, referred to Education.

**HB 484**, introduced by Hurdle, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Jacobson, Jent, Juneau, Kaufmann, Lee, Lindeen, Matthews, Newman, Raser, Schmidt, Smith, Toole, Tramelli, referred to Human Services.

**HB 485**, introduced by Lindeen, Cole, referred to Natural Resources.

**HB 486**, introduced by Jayne, Christiaens referred to Human Services.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative C. Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 47** - Representative Price moved **HB 47** do pass.

**HB 47** - Representative Facey moved **HB 47**, second reading copy, be amended as follows :

1. Title, line 9.

**Following:** " ; "

**Insert:** "REQUIRING COMMERCIAL LENDER PARTICIPATION FOR CERTAIN INVESTMENTS;"

2. Page 3, line 17.

**Following:** "FUND."

**Insert:** "If an investment results in any one business enterprise or person incurring a debt in excess of 6% of the permanent coal tax trust fund, at least 30% of the debt incurred for the project or enterprise for the coal tax investment that was made to the business enterprise or person must be held by a commercial lender."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Curtiss, Gallus, Harris, Jackson.

Total 4

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Absent or not voting: None.  
Total 0

**HB 47** - Representative Lewis moved **HB 47**, second reading copy, be further amended as follows :

1. Title, line 7 through line 8.

**Strike:** "PROVIDING" through "LOSSES;"

2. Title, line 11.

**Strike:** "17-6-308,"

3. Page 1, line 24 through page 3, line 1.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 74

Noes: Bixby, Buzzas, Carney, Cyr, Erickson, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Lee, Raser, Schmidt, Tramelli, Wanzenried.

Total 21

Excused: Curtiss, Gallus, Harris, Jackson.

Total 4

Absent or not voting: Keane.

Total 1

Motion that **HB 47**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Buzzas, Callahan, Carney, Erickson, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Juneau,

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Kaufmann, Schmidt, Smith, Wanzenried.  
Total 16

Voted Absentee: Curtiss, Harris, Jackson, Ayes.

Excused: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

**HB 266** - Representative Clancy moved **HB 266** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Buzzas, P. Clark, Erickson, Forrester, Gallik, Gillan, Jent, Kaufmann, Lee, Mangan.  
Total 11

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 286** - Representative B. Thomas moved **HB 286** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 82

Noes: Bixby, Branae, Buzzas, Carney, Curtiss, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Juneau, Kaufmann, Musgrove, Rice, Shockley, Smith.  
Total 18

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Voted Absentee: Gallus, Harris, Jackson, Ayes; Curtiss, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 336** - Representative Gutsche moved **HB 336** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 365** - Representative J. Whitaker moved **HB 365** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Newman.

Total 1

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.



HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 73** - Representative R. Brown moved **HB 73** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Bixby, Eggers, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Hurdle, Juneau, Kaufmann, Mangan.  
Total 11

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lindeen.  
Total 1

**HB 272** - Representative Olson moved **HB 272** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 67

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Musgrove, Newman, Raser, Smith, Tramelli, Wanzenried.  
Total 33

Voted Absentee: Curtiss, Jackson, Ayes; Gallus, Harris, Noes.

Excused: None.  
Total 0

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Absent or not voting: None.  
Total 0

**HB 326** - Representative Galvin-Halcro moved **HB 326** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Fuchs, Noennig, Somerville, Waddill.  
Total 4

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 349** - Representative Haines moved **HB 349** do pass.

**HB 349** - Representative Haines moved **HB 349**, second reading copy, be amended as follows :

1. Page 2, line 6.

**Following:** "~~chapter 2,~~"

**Insert:** "2-2-104, 2-2-105,"

**Following:** "2-2-121"

**Insert:** ", "

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Esp, Gallik, Kasten, Kaufmann, Ripley, Smith, Story.

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Total 7

Excused: Curtiss, Gallus, Harris, Jackson.

Total 4

Absent or not voting: Lee.

Total 1

**HB 349** - Representative Haines moved **HB 349**, second reading copy, be further amended as follows :

1. Title, page 1, line 8.

**Following:** "SUBDIVISION"

**Insert:** "OR THAT SHARES AN OWNERSHIP INTEREST IN INTELLECTUAL PROPERTY WITH THE UNIVERSITY SYSTEM"

2. Page 1, lines 18 and 19.

**Following:** "property" on line 18

**Strike:** remainder of line 18 through "activity" on line 19

3. Page 1, lines 20 and 21.

**Following:** "property" on line 20

**Strike:** remainder of line 20 through "activity" on line 21

4. Page 1, line 23.

**Following:** "that"

**Insert:** ": (i)"

5. Page 1, lines 25 and 26.

**Following:** "property" on line 25

**Strike:** remainder of line 25 through "activity" on line 26

**Insert:** "; or

(ii) shares an ownership interest in the intellectual property with the university system"

6. Page 1, line 28.

**Following:** "that"

**Insert:** ": (a)"

7. Page 1, line 30 through page 2, line 1.

**Following:** "property" on page 1, line 30

**Strike:** remainder of line 30 through "activity" on page 2, line 1

**Insert:** "; or

(b) shares an"

**Following:** "interest" on line 1

**Insert:** "in the intellectual property with the university system"

8. Page 2, line 2.

**Following:** line 1

**Insert:** "(3) For purposes of this section, "intellectual property" means inventions, discoveries, and creations that may

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

be eligible for copyright or patent. The term also includes other economic development activity of a proprietary nature, including but not limited to business practices, ideas, processes, or arrangements that may not be eligible for either patent or copyright but for which the possibility of profitable commercialization exists."

**Renumber:** subsequent subsections

9. Page 2, line 3.

**Following:** "to"

**Insert:** "the commissioner of higher education and to"

Amendment **adopted** as follows:

Ayes: Buzzas, Callahan, Carney, Cyr, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gutsche, Haines, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Lehman, Lenhart, Lindeen, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Shockley, Sliter, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin.

Total 50

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Dale, Dell, Esp, Hedges, Himmelberger, Holden, Hurdle, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lewis, Mangan, Masolo, Matthews, McCann, Pattison, Rice, Ripley, Schrumpf, Smith, Steinbeisser, Story, Vick, Waitschies, Wanzenried, Mr. Speaker.

Total 43

Excused: Curtiss, Gallus, Harris, Jackson.

Total 4

Absent or not voting: Gillan, Golie, Newman.

Total 3

**HB 349** - Representative Gallik moved **HB 349**, second reading copy, be further amended as follows :

1. Page 1, line 20.

**Following:** "(a)"

**Insert:** "if approved by the board of regents,"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 87

Noes: Adams, R. Brown, E. Clark, Devlin, Kasten, Laslovich, Story, Mr. Speaker.

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Total 8

Excused: Curtiss, Gallus, Harris, Jackson.

Total 4

Absent or not voting: Clancy.

Total 1

Motion that **HB 349**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Adams, D. Brown, Jayne, Rice, Ripley, Waitschies.

Total 6

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 386** - Representative Fuchs moved **HB 386** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: D. Brown, Clancy, Facey, Gillan, Gutsche, Mangan, Schmidt.

Total 7

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**SB 40** - Representative Newman moved **SB 40** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman C. Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 89

Noes: Erickson, Facey, Fritz, Galvin-Halcro, Golie.  
Total 5

Excused: Curtiss, Gallus, Harris, Jackson.  
Total 4

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Absent or not voting: K. Peterson, Younkin.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Noennig, Chairman):  
**HB 30**, introduced bill, be amended as follows:

2/2/2001

1. Page 1, line 18.

**Following:** "facility"

**Insert:** ", the Riverside correctional facility,"

2. Page 1, line 19.

**Following:** "facility"

**Insert:** ", the Riverside correctional facility,"

And, as amended, do pass. Report adopted.

**HB 190**, do pass. Report adopted.

**TAXATION** (Story, Chairman):  
**HB 381**, introduced bill, be amended as follows:

2/2/2001

1. Title, page 1, line 7.

**Following:** "LAND;"

**Insert:** "REQUIRING THE DEPARTMENT OF REVENUE TO FURNISH THE NAMES OF THE OWNERS OF MULTIPLE, UNDIVIDED INTERESTS IN A PARCEL OF LAND TO THE COUNTY TREASURER;"

2. Page 1.

**Following:** line 27

**Insert:** "NEW SECTION. Section 2. List of owners of multiple, undivided interests in parcel of land to county treasurer. The department shall furnish to the county treasurer the names and, if available, the addresses of the owners of each multiple, undivided interest in a parcel of land located within the county. The department shall inform the county treasurer that the list of names may not include every owner of the parcel of land."

**Renumber:** subsequent sections

3. Page 4, line 20.

**Following:** "instruction."

**Insert:** "(1)"

4. Page 4.

**Following:** line 22

**Insert:** "(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 8, part 7, and the provisions of Title 15, chapter 8, part 7, apply to [section 2]."

And, as amended, do pass. Report adopted.

**THIRD READING OF BILLS**

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 46** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: D. Brown.

Total 1

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 95** passed as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Buzzas, Callahan, Carney, E. Clark, P. Clark, Devlin, Eggers, Erickson, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lehman, Lenhart, Lindeen, Matthews, McCann, Musgrove, Newman, Olson, K. Peterson, Price, Raser, Ripley, Schmidt, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Wanzenried, Whitaker, Witt, Wolery.

Total 54

Noes: Adams, Andersen, Balyeat, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Cyr, Dale, Davies, Dell, Esp, Fisher, Forrester, Haines, Himmelberger, Jackson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lee, Lewis, Masolo, McKenney, Noennig, Pattison, A. Peterson, Rice, Rome, Schrumpf, Sliter, Somerville, Story, Vick, Waddill, Waitschies, Walters, Younkin, Mr. Speaker.

Total 44

Voted Absentee: Gallus, Harris, Ayes; Curtiss, Jackson, Noes.

Excused: None.

Total 0

Absent or not voting: Mangan, Mood.

Total 2



HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

**HB 147** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**HB 189 failed** as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Newman, K. Peterson, Raser, Schmidt, Shockley, Sliter, Smith, Tramelli, Tropila, Wanzenried.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Somerville, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Voted Absentee: Gallus, Harris, Ayes; Curtiss, Jackson, Noes.

Excused: None.

Total 0

Absent or not voting: Story.

Total 1

**HB 224** passed as follows:

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.  
Total 70

Noes: Adams, Bales, Balyeat, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, McKenney, Pattison, Sliter, Somerville, Steinbeisser, Vick, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 30

Voted Absentee: Gallus, Harris, Ayes; Curtiss, Jackson, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 238** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Golie.  
Total 1

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**HB 325** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Erickson, Galvin-Halcro.

Total 2

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 329** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 86

Noes: Adams, Brueggeman, Davies, Fuchs, Jent, Kasten, Lewis, Mood, Pattison, Shockley, Steinbeisser, Story, Vick, Mr. Speaker.

Total 14

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 1** adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee,

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Adams, Balyeat, Kasten, Lewis, Vick.

Total 5

Voted Absentee: Curtiss, Gallus, Harris, Jackson, Ayes.

Excused: None.

Total 0

Absent or not voting: Fritz.

Total 1

**SPECIAL ORDERS OF THE DAY**

JOINT PROCLAMATION OF THE 57<sup>TH</sup> MONTANA LEGISLATURE

WHEREAS, Governor Joseph K. Toole signed into law the creation of Powell County on February 2, 1901 and

WHEREAS, Powell County has been in existence for 100 years and was home to the first discovery of gold at Gold Creek, and

WHEREAS, Powell County is home of the Grant-Kohrs Ranch; home of the Golden Spike, which marks the completion of the Northern Pacific Railroad; and home of the territorial and current State Prison, and

WHEREAS, Powell County plays an important agricultural and wood products role in the economy of Montana,

THEREFORE BE IT RESOLVED that the 57<sup>th</sup> Legislature of the State of Montana congratulates Powell County on the important contributions that her citizens have made to the state of Montana over this 100 years and expresses its belief that Powell County will continue to enrich the future and the history of Montana in the next 100 years and declares February 2, 2001 as Powell County Day.

Signed by Representatives McGee and Rome, and Senator Beck.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Jacobson led the House in singing Happy Birthday to Desi Osen, this week's page from Hinsdale.

**MOTIONS**

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 2, 2001

Representative Bixby requested on **HB 369**, second reading yesterday, that her vote be shown as yes. There being no objection, so ordered.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, February 3, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 3, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Jent. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, Lee, McCann, Pattison, and K. Peterson, excused. Quorum present.

Mr. Speaker introduced the honorary pages of the week:

Megan Richardson, Ronan  
Amber Plaszloffy, Laurel  
Derek Miller, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/3/2001  
Correctly printed: **HB 30, HB 90, HB 118, HB 190, HB 262, HB 362, HB 376, HB 381, HB 382, HB 383, HB 417, HB 437.**

Correctly engrossed: **HB 47, HB 73, HB 266, HB 272, HB 286, HB 326, HB 336, HB 365, HB 386, SB 40.**  
Signed by the Speaker at 9:15 a.m., February 3, 2001: **HB 34, HB 36, HB 56.**

**JUDICIARY** (Shockley, Chairman): 2/2/2001  
**HB 119**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 46-23-104 AND"

2. Page 1, line 10.

**Following:** line 9

**Insert:** "Section 1. Section 46-23-104, MCA, is amended to read:

**"46-23-104. Board of pardons and parole.** (1) The board of pardons and parole is responsible for executive clemency and parole as provided in this chapter.

(2) The board shall meet monthly, and at other times that the board considers necessary, at the state prison.

(3) The principal office of the board is in Deer Lodge.

(4) The board may designate one of its members, one of its staff members, or any other adult correctional releasing authority to conduct interviews relative to:

(a) parole eligibility;

(b) plans for release on parole; or

(c) revocation hearings.

(5) If the offense was committed prior to March 20, 1989, the board may not designate one of its members, one of its staff members, or any other adult correctional releasing authority to preside over an initial appearance or hearing under 46-23-202, and the initial appearance and hearing must be before a majority of the board."

**Renumber:** subsequent sections

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

3. Page 1, line 14.

**Following:** "46-23-104(4)"

**Insert:** ", except that if the offense was committed prior to March 20, 1989, the initial appearance must be before a majority of the board's members"

4. Page 1, line 21.

**Following:** "prisoner"

**Insert:** ", except that if the offense was committed prior to March 20, 1989, the hearing must be before a majority of the board's members"

And, as amended, do pass. Report adopted.

**HB 182**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 4.

**Following:** line 3

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 295**, do pass. Report adopted.

**HB 396**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Following:** "vehicle"

**Insert:** "owned and"

2. Page 1, line 24.

**Following:** "~~owned and~~"

**Insert:** "owned and"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/2/2001

**SB 128**, introduced by Bohlinger

**SB 237**, introduced by Cole

**SB 283**, introduced by Waterman

House bill concurred in and returned to the House:

2/3/2001

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

**HB 26**, introduced by E. Clark

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 487**, introduced by Haines, Curtiss, Fuchs, referred to Fish, Wildlife and Parks.

**HB 488**, introduced by Wolery, Harris, Hedges, Lehman, Musgrove, Olson, Ripley, Rome, Tester, referred to Education.

**HB 489**, introduced by Price, referred to Taxation.

**HB 490**, introduced by Price, referred to Business and Labor.

**HB 491**, introduced by Tropila, Callahan, Galvin-Halcro, Mangan, Matthews, Schmidt, referred to State Administration.

**HB 492**, introduced by P. Clark, Gutsche, referred to Fish, Wildlife and Parks.

**HB 493**, introduced by Fritz, referred to Business and Labor.

**HB 494**, introduced by Mangan, Bixby, Branae, Buzzas, Callahan, Carney, Christiaens, Cocchiarella, Cyr, Dell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, Newman, Raser, Schmidt, Shea, Tramelli, referred to Human Services.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 17**, introduced by Newman, Nelson, referred to Human Services.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Price in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 179** - Representative Dell moved **HB 179** do pass. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Adams, Andersen, Balyeat, D. Brown, E. Clark, K. Peterson.

Total 6



HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Voted Absentee: Bixby, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, Ayes; D. Brown, K. Peterson, Noes.

Excused: Lee.

Total 1

Absent or not voting: None.

Total 0

**HB 210** - Representative Ripley moved **HB 210** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 75

Noes: Balyeat, Branae, Buzzas, P. Clark, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Juneau, Kasten, Kaufmann, Raser, Schmidt, Tramelli, Vick, Wanzenried.  
Total 24

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.

Total 1

Absent or not voting: None.

Total 0

**HB 219** - Representative Sliter moved consideration of **HB 219** be passed for the day. Motion carried.

**HB 242** - Representative R. Brown moved **HB 242** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: P. Clark, Hurdle, Jayne, Story.

Total 4

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Excused: Lee.  
Total 1

Absent or not voting: Branae.  
Total 1

**HB 257** - Representative C. Younkin moved **HB 257** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Callahan, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Fisher, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Bales, Branae, Brueggeman, Buzzas, Carney, Clancy, P. Clark, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Juneau, Kasten, Kaufmann, Keane, Lindeen, Masolo, Musgrove, Newman, Raser, Schmidt, Smith, Somerville, Story, Tramelli, Tropila, Wanzenried.  
Total 36

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

**HB 271** - Representative Jayne moved **HB 271** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Rice.  
Total 1

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.  
Total 1

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Absent or not voting: None.  
Total 0

**HB 298** - Representative Facey moved **HB 298** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 66

Noes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Davies, Esp, Fisher, Himmelberger, Holden, Jackson, Laszloffy, Lewis, Masolo, McKenney, Mood, Olson, Rice, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Mr. Speaker.  
Total 33

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

**HB 375** - Representative Carney moved **HB 375** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.  
Total 93

Noes: Curtiss, Davies, Lehman, Rice, Younkin, Mr. Speaker.  
Total 6

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

**HB 391** - Representative Cyr moved **HB 391** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 82

Noes: Brueggeman, Davies, Fisher, Holden, Jackson, Jayne, Kasten, Laszloffy, Lehman, Masolo, McKenney, Mood, Rice, Shockley, Story, Vick, Mr. Speaker.

Total 17

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.

Total 1

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Price moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Gallik, Galvin-Halcro, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 78

Noes: Golie, Gutsche.

Total 2

Excused: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, Lee, McCann, Pattison, K. Peterson.

Total 10

Absent or not voting: Fritz, Gillan, Hurdle, Jayne, Lenhart, Mangan, Noennig, A. Peterson, Smith, Waddill.

Total 10

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

manner:

**HB 73** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Juneau, Kaufmann, Mangan.

Total 8

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.

Total 1

Absent or not voting: None.

Total 0

**HB 258** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Devlin, Eggers, Gallik, Galvin-Halcro, Gutsche, Hurdle, Juneau, Mangan, Ripley, Steinbeisser.

Total 10

Voted Absentee: Bixby, D. Brown, Callahan, Gallus, Harris, McCann, Pattison, Ayes.

Excused: Fuchs, Lee, K. Peterson.

Total 3

Absent or not voting: Carney.

Total 1

**HB 266** passed as follows:

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Buzzas, P. Clark, Eggers, Erickson, Forrester, Fritz, Gallik, Galvin-Halcro, Jent, Mangan.  
Total 10

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

**HB 272** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 66

Noes: Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lewis, Lindeen, Mangan, Musgrove, Newman, Raser, Smith, Tramelli, Wanzenried.  
Total 33

Voted Absentee: D. Brown, Fuchs, McCann, Pattison, K. Peterson, Ayes; Bixby, Callahan, Gallus, Harris, Noes.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

**HB 286** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson,

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Kaufmann, Musgrove, Rice, Shockley, Smith.  
Total 11

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

**HB 326** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Fuchs, Noennig, Somerville, Waddill.  
Total 4

Voted Absentee: Bixby, D. Brown, Callahan, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes; Fuchs, No.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

**HB 336** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.

Total 1

Absent or not voting: None.

Total 0

**HB 365** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Cyr, Gutsche, Masolo, Newman.

Total 4

Voted Absentee: Bixby, D. Brown, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Callahan, Lee.

Total 2

Absent or not voting: None.

Total 0

**HB 369** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Total 95

Noes: Fritz, Mood.

Total 2

Voted Absentee: Bixby, D. Brown, Callahan, Gallus, Harris, McCann, Pattison, Ayes.

Excused: Fuchs, Lee, K. Peterson.

Total 3

Absent or not voting: None.

Total 0

**HB 386** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Holden, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Clancy, P. Clark, Eggers, Facey, Gillan, Golie, Gutsche, Himmelberger, Hurdle, Jacobson, Kaufmann, Mangan, Schmidt.

Total 13

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.

Total 1

Absent or not voting: Mood.

Total 1

**SB 40** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 3, 2001

Noes: None.  
Total 0

Voted Absentee: Bixby, D. Brown, Callahan, Fuchs, Gallus, Harris, McCann, Pattison, K. Peterson, Ayes.

Excused: Lee.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Shockley requested on **HB 271**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Smith requested on **HB 336**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Jent requested on **HB 326**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, February 5, 2001. Motion carried.

House adjourned at 9:10 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 5, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Barrett. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-third, twenty-fourth, and twenty-fifth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker appointed the following member to the Environmental Quality Council:

Ellen Porter

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/3/2001

**SB 78**, introduced by Hargrove  
**SB 107**, introduced by Franklin  
**SB 129**, introduced by Berry  
**SB 169**, introduced by Franklin  
**SB 171**, introduced by Glaser  
**SB 219**, introduced by Waterman  
**SB 253**, introduced by Cocchiarella  
**SB 328**, introduced by Wells

House bills concurred in and returned to the House: 2/3/2001

**HB 24**, introduced by R. Erickson  
**HB 51**, introduced by Facey  
**HB 91**, introduced by Golie  
**HB 115**, introduced by Shockley  
**HB 117**, introduced by Andersen

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 2/3/2001

**HB 19**, introduced by Lenhart  
**HB 104**, introduced by P. Clark

**REPORTS OF STANDING COMMITTEES**

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

**BILLS** (Bookout-Reinicke, Chairman):

2/5/2001

Correctly printed: **HB 119, HB 182, HB 295, HB 396.**

Correctly engrossed: **HB 179, HB 210, HB 242, HB 257, HB 271, HB 298, HB 349, HB 375, HB 391.**

Correctly enrolled: **HB 24, HB 26, HB 51, HB 91, HB 115, HB 117.**

Signed by the Speaker at 3:20 p.m., February 5, 2001: **HB 26.**

Delivered to the Governor for her approval at 3:40 p.m., February 5, 2001: **HB 34, HB 36, HB 56.**

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

2/2/2001

**HB 306**, introduced bill, be amended as follows:

1. Title, lines 7 through 9.

**Following:** "PROGRAMS;"

**Strike:** remainder of line 7 through "HUNTER;" on line 9

**Insert:** "SETTING ASIDE 1,000 CLASS B-10 AND 500 CLASS B-11 NONRESIDENT COMBINATION LICENSES FOR USE BY NONRESIDENTS WHO INTEND TO HUNT WITH LICENSED MONTANA RELATIVES; LIMITING TO TWO THE NUMBER OF NONRESIDENT RELATIVE HUNTERS THAT MAY BE SPONSORED BY A LICENSED MONTANA RESIDENT HUNTER DURING A LICENSE YEAR;"

2. Title, line 13.

**Following:** "DAY;"

**Insert:** "REQUIRING THE REVIEW COMMITTEE TO REPORT ON THE IMPLEMENTATION AND SUCCESS OF THE RESIDENT-SPONSORED NONRESIDENT HUNTER PROGRAM;"

3. Title, line 14.

**Following:** "87-1-268,"

**Insert:** "87-1-269,"

4. Title, line 15.

**Following:** "PROVIDING"

**Insert:** "A DELAYED"

**Following:** "EFFECTIVE"

**Strike:** "DATES"

**Insert:** "DATE AND A TERMINATION DATE"

5. Page 1, line 17 through page 2, line 8.

**Strike:** "WHEREAS" on page 1, line 17 through "access." on page 2, line 8

6. Page 3, line 25.

**Following:** "e"

**Strike:** "The"

**Insert:** "If compensation is calculated using a formula based on hunter days, the"

7. Page 4, line 7.

**Following:** "fees"

**Insert:** "for outfitter-sponsored licenses"

8. Page 4, line 9.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

**Following:** "5-year period."

**Insert:** "The fees for the 1,000 Class B-10 and 500 Class B-11 resident-sponsored licenses set aside in 87-2-511(1)(b) must correspond to the sale price set annually for outfitter-sponsored licenses pursuant to this section."

9. Page 4, line 11.

**Strike:** "5,500"

**Insert:** "6,500"

**Strike:** "2,300"

**Insert:** "2,800"

10. Page 4, line 13.

**Insert:** "**Section 3.** Section 87-1-269, MCA, is amended to read:

**"87-1-269. (Temporary) Report required -- review committee.** (1) The governor shall appoint a committee of persons interested in issues related to hunters, landowners, and outfitters, including but not limited to the hunting access enhancement program, landowner-hunter relations, outfitting industry issues, and other issues related to private lands and public wildlife. The committee must have broad representation of landowners, outfitters, and sportspersons. The department may provide administrative assistance as necessary to assist the review committee.

(2) The review committee shall report to the governor and to the ~~57th~~ 58th legislature regarding the success of various elements of the hunting access enhancement program, including a report of annual landowner participation, the number of acres annually enrolled in the program, hunter harvest success on enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in funding, and an accounting of program expenditures, and make suggestions for funding, modification, or improvement needed to achieve the objectives of the program. The review committee shall also report to the governor and the 58th legislature regarding the implementation and success of the resident-sponsored nonresident hunter program.

(3) The director may appoint additional advisory committees that are considered necessary to assist in the implementation of the hunting access enhancement program and to advise the commission regarding the development of rules implementing the hunting access enhancement program. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

**Renumber:** subsequent sections

11. Page 4, line 18.

**Strike:** "or"

**Insert:** ", "

12. Page 4, line 20.

**Following:** "outfitter"

**Insert:** ", "

**Following:** "or"

**Insert:** "upon payment of the fee established in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511(1)(b) for applicants indicating their intent"

13. Page 4, line 21.

**Following:** "hunter"

**Insert:** "who is a relative of the applicant"

14. Page 5, line 4.

**Strike:** "(1)(a)"

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

15. Page 5, lines 5 and 6.

**Following:** "outfitter" on line 5

**Strike:** remainder of line 5 through "hunter" on line 6

16. Page 5, line 20.

**Strike:** "or"

**Insert:** ", "

17. Page 5, line 22.

**Following:** "outfitter"

**Strike:** "or"

**Insert:** ", upon payment of the fee established in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511(1)(b) for applicants indicating their intent"

18. Page 5, line 23.

**Following:** "hunter"

**Insert:** "who is a relative of the applicant,"

19. Page 5, line 24.

**Strike:** "(1)(b)"

**Insert:** "(1)(c)"

20. Page 6, line 9.

**Following:** "~~either~~"

**Insert:** "either"

21. Page 6, lines 10 and 11.

**Following:** "outfitter" on line 10

**Strike:** remainder of line 10 through "hunter," on line 11

22. Page 6, line 11.

**Strike:** "landowner"

23. Page 6, lines 24 and 25.

**Following:** "applicants" on line 24

**Strike:** ":", on line 24 through "(i)" on line 25

**Following:** "outfitter" on line 25

**Strike:** ":", or"

**Insert:** ":", "

24. Page 6, line 26.

**Strike:** "(ii)"

**Insert:** "(b) The department shall reserve 1,000 Class B-10 licenses and 500 Class B-11 licenses for applicants"

25. Page 6, line 27.

**Following:** "hunter"

**Insert:** "who is a relative of the applicant. A licensed Montana resident hunter who agrees to physically accompany a nonresident relative hunter pursuant to this subsection (1)(b) may not sponsor more than two applicants in any license"

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

year. The applicant must be related to the Montana resident sponsor by no more than the fourth degree of consanguinity or affinity. Licenses reserved pursuant to this subsection (1)(b) must be offered on a first-come, first-serve basis and may not be used for commercial purposes"

26. Page 6, line 28.

**Strike:** "(b)"

**Insert:** "(c)"

27. Page 7, line 1.

**Following:** "subsections"

**Strike:** "(1)(a)(ii)"

**Insert:** "(1)(b)"

28. Page 7, line 2.

**Strike:** "(1)(b)"

**Insert:** "(1)(c)"

29. Page 7, line 14.

**Strike:** "(1)(b)"

**Insert:** "(1)(c)"

30. Page 7, line 19.

**Strike:** "(1)(b)"

**Insert:** "(1)(c)"

31. Page 7, line 24.

**Following:** "(1)(a)"

**Strike:** "(i)"

32. Page 8, line 8.

**Following:** "(1)(a)"

**Strike:** "(i)"

33. Page 8, line 23.

**Strike:** "(a)"

34. Page 8, line 25.

**Following:** "applicants"

**Strike:** "."

35. Page 8, line 26.

**Strike:** "(i)"

36. Page 8, line 26 through line 29.

**Following:** "outfitter" on line 26

**Strike:** remainder of line 26 through "offer" on line 29

**Insert:** "and"

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

37. Page 8, line 30.

**Strike:** "landowner"

38. Page 9, line 2 through line 3.

**Following:** "~~subsection~~" on line 2

**Strike:** remainder of line 2 through "(1)(b)" on line 3

**Insert:** "subsection (1)"

39. Page 9, line 13.

**Strike:** "landowner"

40. Page 9, line 16.

**Following:** "(1)"

**Strike:** "(a)(i)"

41. Page 9, line 30.

**Following:** "(1)"

**Strike:** "(a)(i)"

42. Page 11, line 5.

**Following:** "87-2-511"

**Strike:** "(1)(b)"

**Insert:** "(1)(c)"

43. Page 11, line 23 through line 25.

**Strike:** section 7 in its entirety

**Insert:** "NEW SECTION. **Section 8. Effective date.** [This act] is effective March 1, 2002."

44. Page 11, line 26.

**Insert:** "NEW SECTION. **Section 9. Termination.** [This act] terminates March 1, 2006."

And, as amended, do pass. Report adopted.

**TAXATION** (Story, Chairman):

2/2/2001

**HB 351**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Strike:** "5"

**Insert:** "4"

2. Title, page 1, line 11 through line 13.

**Strike:** "ESTABLISHING" on line 11 through "LOCATED;" on line 13

3. Page 1, line 19.

**Strike:** "-- criteria"

4. Page 1, line 20.

**Following:** "existing"



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

**Insert:** "commercial"

5. Page 1, line 26.

**Strike:** "abatement"

**Insert:** "reduction"

**Strike:** "5"

**Insert:** "4"

**Following:** "period"

**Insert:** "as provided in this subsection (1)(b)"

6. Page 1, line 28.

**Strike:** "." through "determined"

7. Page 2, line 7.

**Strike:** "abatement"

**Insert:** "reduction"

**Following:** ", the"

**Insert:** "commercial"

8. Page 2, line 14.

**Strike:** "abatement"

**Insert:** "reduction"

9. Page 2, line 17 through line 28.

**Strike:** subsection (3) in its entirety

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 495**, introduced by Olson, Cole, Dale, Keane, K. Peterson, Ripley, referred to Agriculture.

**HB 496**, introduced by Jent, Beck, Bishop, Cole, Doherty, Eggers, Grosfield, Halligan, Newman, Younkin, referred to State Administration.

**HB 497**, introduced by Price, Berry, Fuchs, Harris, Laible, Lehman, Noennig, Olson, Rome, Sliter, Taylor, F. Thomas, Vick, Younkin, referred to Business and Labor.

**HB 498**, introduced by Branae, referred to Agriculture.

**HB 499**, introduced by Facey, referred to Business and Labor.

**HB 500**, introduced by Wanzenried, Cyr, Forrester, Harrington, Kitzenberg, Roush, Ryan, Smith, Toole, referred to Business and Labor.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 18**, introduced by Lewis, E. Clark, referred to Federal Relations, Energy, and Telecommunications.

**HJR 19**, introduced by Curtiss, Adams, Jackson, referred to Federal Relations, Energy, and Telecommunications.

**HJR 20**, introduced by Curtiss, Adams, Andersen, Cole, Jackson, Olson, referred to Federal Relations, Energy, and Telecommunications.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 65** - Representative Sliter moved consideration of **HB 65** be passed for the day. Motion carried.

**HB 90** - Representative Sliter moved consideration of **HB 90** be passed for the day. Motion carried.

**HB 219** - Representative McKenney moved **HB 219** do pass. Motion failed as follows:

Ayes: Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, E. Clark, Dale, Devlin, Forrester, Gallus, Gillan, Golie, Harris, Hedges, Himmelberger, Keane, Lawson, Lee, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rome, Schrumpf, Sliter, Steinbeisser, Thomas, Tropila, Waitschies, Walters, Whitaker, Wolery, Younkin.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, Buzzas, Carney, Clancy, P. Clark, Curtiss, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Galvin-Halcro, Gutsche, Haines, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Rice, Ripley, Schmidt, Shockley, Smith, Somerville, Story, Tramelli, Vick, Waddill, Wanzenried, Witt, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 30** - Representative Matthews moved **HB 30** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

Excused: None.  
Total 0

Absent or not voting: Gallus.  
Total 1

**HB 118** - Representative Clancy moved **HB 118** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Adams, Jent, Lindeen, Wanzenried.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 139** - Representative Gallik moved **HB 139** do pass.

**HB 139** - Representative Gallik moved consideration of **HB 139** be passed for the day for the purpose of an amendment. Motion carried.

**HB 140** - Representative Masolo moved **HB 140** do pass. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Adams, Andersen, Balyeat, E. Clark, Dale, Davies, Esp, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, Pattison, Rice, Schrumpf, Shockley, Steinbeisser, Vick, Walters, Wanzenried.  
Total 21

Excused: None.  
Total 0

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

Absent or not voting: Ripley, Wolery.  
Total 2

**HB 157** - Representative Gallus moved **HB 157** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Callahan, Carney, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Bixby, Brueggeman, Buzzas, Clancy, P. Clark, Cyr, Eggers, Erickson, Fritz, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jayne, Jent, Kaufmann, Lee, Lehman, Rice, Tramelli, Wanzenried.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 190** - Representative Witt moved **HB 190** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 362** - Representative McKenney moved **HB 362** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Davies, Facey, Harris, Shockley, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 381** - Representative Noennig moved **HB 381** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Bixby, P. Clark, Eggers, Gallik, Gallus, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Mangan, Smith, Tramelli.

Total 15

Excused: None.

Total 0

Absent or not voting: Esp.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted.

Representative McKenney made a substitute motion that **HB 219** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Buzzas, P. Clark, Eggers, Erickson, Gallik, Galvin-Halcro, Gillan, Hurdle, Jayne, Kaufmann, Mangan, Smith.

Total 12

Excused: None.

Total 0

Absent or not voting: Musgrove.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 47** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Erickson, Fritz, Galvin-Halcro, Golie, Gutsche, Hurdle, Juneau, Kaufmann, Schmidt, Wanzenried.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 179** passed as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Andersen, Balyeat, Mood, K. Peterson.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 210** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Balyeat, Bixby, Branae, Buzzas, P. Clark, Dell, Eggers, Erickson, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Juneau, Kasten, Kaufmann, Schmidt, Tramelli, Vick, Wanzenried.

Total 24

Excused: None.

Total 0

Absent or not voting: Lehman, Rice, Witt.

Total 3

**HB 242** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: P. Clark, Hurdle, Jayne, McCann, Story.

Total 5

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 257** passed as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Sliter, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 62

Noes: Bales, Bixby, Branae, Buzzas, Carney, P. Clark, Dell, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Juneau, Kasten, Kaufmann, Keane, Lindeen, Masolo, Musgrove, Newman, Raser, Rice, Schmidt, Smith, Somerville, Story, Tramelli, Tropila, Wanzenried.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Shockley.  
Total 1

**HB 271** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

**HB 298** passed as follows:

Ayes: Andersen, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 67

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Brueggeman, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Himmelberger, Holden, Jackson, Laszloffy, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, Rice, Rome, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 375** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.

Total 95

Noes: Lehman, Rice, Younkin, Mr. Speaker.

Total 4

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

**HB 391** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2001

Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Brueggeman, Davies, Devlin, Fisher, Jackson, Jayne, Kasten, Laszloffy, Masolo, McKenney, Pattison, Rice, Shockley, Story, Vick, Mr. Speaker.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Sliter moved that **HB 489** be taken from the Committee on Taxation and rereferred to the Committee on Business and Labor. There being no objections, so ordered.

Representative Sliter moved that **HB 65** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Sliter moved that **HB 219** be taken from the Committee of the Whole and rereferred to the Committee on Judiciary. There being no objections, so ordered.

Representative Raser requested on **HB 362**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 31**: P. Clark, Forrester, Gallus, Harris, Jacobson, Lindeen, Newman, and Raser.

The following cosponsors were added to **HB 416**: Pease and Roush.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, February 6, 2001. Motion carried.

House adjourned at 3:03 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 6, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bitney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Representative Holden led the House in singing Happy Birthday to Representative Buzzas.

Mr. Speaker introduced this weeks pages:

Heather Henry, Billings  
Regan Clancy, Helena  
Emily Fuller, Victor  
Mary Anne Anderson, Big Timber  
Thomas Steele, Arlee  
Danelle Feddes, Manhattan  
Kristin Hegreberg, Townsend  
Casey Berger, Somers  
Amanda Determan, Winston

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/6/2001

Correctly printed: **HB 306, HB 351.**

Correctly engrossed: **HB 30, HB 118, HB 140, HB 157, HB 190, HB 362, HB 381.**

Correctly enrolled: **HB 99, HB 194.**

Signed by the Speaker at 6:45 p.m., February 5, 2001: **HB 24, HB 51, HB 91, HB 115, HB 117.**

Signed by the Speaker at 4:25 p.m., February 6, 2001: **HB 99, HB 194.**

Delivered to the Governor for her approval at 4:10 p.m., February 6, 2001: **HB 24, HB 26, HB 51, HB 91, HB 115, HB 117.**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/6/2001

**HB 399**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "INTERNAL SERVICE"

**Insert:** "LIQUOR ENTERPRISE"

2. Title, line 9.

**Following:** "16-2-108,"

**Strike:** "AND"

**Following:** "16-4-207,"

**Insert:** "AND 16-4-401,"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

3. Page 2, line 15.

**Strike:** "for the operation of liquor sales"

**Insert:** "associated with the sale of liquor"

4. Page 2, lines 23 and 24.

**Strike:** "internal service fund"

**Insert:** "liquor enterprise fund"

**Strike:** "The" on line 23 through "." on line 24

**Insert:** "(3) The department shall pay from its account in the liquor enterprise fund:

- (a) expenses associated with administering liquor licensing and fee collection; and
- (b) expenses associated with investigations pursuant to its agreement with the department of justice.
- (4) The net proceeds of the liquor enterprise fund must be transferred to the general fund."

5. Page 5.

**Following:** line 2

**Insert:** "Section 4. Section 16-4-401, MCA, is amended to read:

**"16-4-401. License as privilege -- criteria for decision on application.** (1) A license under this code is a privilege that the state may grant to an applicant and is not a right to which any applicant is entitled.

(2) Except as provided in subsection (6), in the case of a license that permits on-premises consumption, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

- (a) in the case of an individual applicant:
  - (i) the applicant will not possess an ownership interest in more than one establishment licensed under this chapter for all-beverages sales;
  - (ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;
  - (iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;
  - (iv) the applicant is a resident of the state and is qualified to vote in a state election;
  - (v) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; and
  - (vi) the applicant is not under 19 years of age; and
- (b) in the case of a corporate applicant:
  - (i) the owners of at least 51% of the outstanding stock meet the requirements of subsection (2)(a)(iv);
  - (ii) each owner of 10% or more of the outstanding stock meets the requirements for an individual applicant listed in subsection (2)(a);
  - (iii) each individual who has control over the operation of the license ~~or shares in the profits or liabilities of the license~~ meets the requirements for an individual applicant listed in subsection (2)(a);
  - (iv) each person who shares in the profits or liabilities of a license meets the requirements for an individual applicant listed in subsection (2)(a). This subsection (2)(b)(iv) does not apply to a shareholder of a corporation who owns less than 10% of the outstanding stock in that corporation.
  - ~~(iv)(v)~~ (v) the corporation is authorized to do business in Montana; and
  - ~~(v)(vi)~~ (vi) in the case of a corporation not listed on a national stock exchange, each owner of stock meets the requirements of subsections (2)(a)(i) and (2)(a)(ii); and
- (c) in the case of any other business entity as applicant:
  - (i) if the applicant consists of more than one individual, all must meet the requirements of subsection (2)(a); and
  - (ii) if the applicant consists of more than one corporation, all must meet the requirements of subsection (2)(b).

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

(3) In the case of a license that permits only off-premises consumption, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) in the case of an individual applicant:

(i) the applicant will not possess an ownership interest in more than one establishment licensed under this chapter for all-beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant or any member of the applicant's immediate family is without financing from or any affiliation to a manufacturer, importer, bottler, or distributor of alcoholic beverages;

(iv) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, the applicant's rights have been restored;

(v) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments; and

(vi) the applicant is not under 19 years of age; and

(b) in the case of a corporate applicant:

(i) the owners of at least 51% of the outstanding stock meet the requirements of subsection (3)(a)(iv);

(ii) each owner of 10% or more of the outstanding stock meets the requirements for an individual listed in subsection (3)(a); and

(iii) the corporation is authorized to do business in Montana; and

(c) in the case of any other business entity as applicant:

(i) if the applicant consists of more than one individual, all must meet the requirements of subsection (3)(a); and

(ii) if the applicant consists of more than one corporation, all must meet the requirements of subsection (3)(b).

(4) In the case of a license that permits the manufacture, importing, or wholesaling of an alcoholic beverage, the department shall find in every case in which it makes an order for the issuance of a new license or for the approval of the transfer of a license that:

(a) in the case of an individual applicant:

(i) the applicant has no ownership interest in any establishment licensed under this chapter for retail alcoholic beverages sales;

(ii) the applicant does not possess an ownership interest in an agency liquor store as defined in 16-1-106;

(iii) the applicant has not been convicted of a felony or, if the applicant has been convicted of a felony, rights have been restored;

(iv) the applicant's past record and present status as a purveyor of alcoholic beverages and as a business person and citizen demonstrate that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments;

(v) the applicant is not under 19 years of age; and

(vi) an applicant for a wholesale license is neither a manufacturer of an alcoholic beverage nor is owned or controlled by a manufacturer of an alcoholic beverage; and

(b) in the case of a corporate applicant:

(i) the owners of at least 51% of the outstanding stock meet the requirements of subsection (4)(a)(iii);

(ii) each owner of 10% or more of the outstanding stock meets the requirements for an individual listed in subsection (4)(a);

(iii) an applicant for a wholesale license is neither a manufacturer of an alcoholic beverage nor is owned or controlled by a manufacturer of an alcoholic beverage; and

(iv) the corporation is authorized to do business in Montana; and

(c) in the case of any other business entity as applicant:

(i) if the applicant consists of more than one individual, all must meet the requirements of subsection (4)(a); and

(ii) if the applicant consists of more than one corporation, all must meet the requirements of subsection (4)(b).

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

(5) In the case of a corporate applicant, the requirements of subsections (2)(b), (3)(b), and (4)(b) apply separately to each class of stock.

(6) The provisions of subsection (2) do not apply to an applicant for or holder of a license pursuant to 16-4-302.""

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 458**, do pass. Report adopted.

**SB 32**, be concurred in. Report adopted.

**SB 93**, be concurred in. Report adopted.

**SB 189**, be concurred in. Report adopted.

**EDUCATION** (Masolo, Chairman):

2/6/2001

**HB 232**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/5/2001

**HB 126**, introduced bill, be amended as follows:

1. Title, line 11.

**Following:** "QUALITY;"

**Insert:** "CLARIFYING PERMIT DENIAL HEARING REQUIREMENTS UNDER THE METAL MINE RECLAMATION LAWS;"

2. Title, line 13.

**Strike:** "AND"

3. Title, line 15.

**Following:** "82-4-338,"

**Insert:** "82-4-353,"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 6, line 21.

**Following:** "part"

**Strike:** "or" through "board"

5. Page 7, lines 27 and 28.

**Following:** "part"

**Strike:** "or" through "board"

6. Page 8, line 12.

**Following:** "civil"

**Strike:** "an administrative"

**Insert:** "a civil"

7. Page 8, line 13.

**Following:** "civil"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

**Strike:** "administrative"  
**Insert:** "civil"

8. Page 8, line 16.

**Following:** "a"  
**Strike:** "an administrative"  
**Insert:** "a"

9. Page 8, line 23.

**Following:** "civil"  
**Strike:** "administrative"  
**Insert:** "civil"

10. Page 12.

**Following:** line 1  
**Insert:** "Section 12. Section 82-4-353, MCA, is amended to read:

**"82-4-353. Administrative remedies -- notice -- appeals -- parties.** (1) Upon receipt of an application for an operating permit, the department shall provide notice of the application by publication in a newspaper of general circulation in the area to be affected by the operation. The notice ~~shall~~ must be published once a week for 3 successive weeks.

(2) An applicant for a permit or license, or for an amendment or revision to a permit or license, may request a hearing on a denial of the application by submitting a written request for a hearing within 30 days of receipt of written notice of the denial. The request must state the reason that the hearing is requested.

~~(2)(3)~~ All hearings and ~~appeal procedures~~ appeals under 82-4-337(3), 82-4-338(2), 82-4-341(7) and (8), 82-4-361, 82-4-362, and subsection (2) of this section ~~shall be~~ must be conducted by the board in accordance with the Montana Administrative Procedure Act. Any person whose interests may be adversely affected as a result of an action taken pursuant to this part may become a party to any proceeding held ~~hereunder~~ under this part upon a showing that ~~such~~ the person is capable of adequately representing the interests claimed.

~~(3)(4)~~ As used in this section, "person" means any individual, corporation, partnership, or other legal entity."  
**Renumber:** subsequent sections

11. Page 12, line 5.

**Following:** "civil"  
**Insert:** "civil"

12. Page 12, line 6.

**Following:** "civil"  
**Insert:** "civil"

13. Page 12, line 17.

**Following:** "civil"  
**Strike:** "assess an administrative"  
**Insert:** "institute a civil"  
**Following:** "action"  
**Insert:** "action"

14. Page 13, line 22.

**Following:** "civil"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

**Strike:** "an administrative"  
**Insert:** "a civil"

15. Page 15, line 22.

**Following:** "civil"  
**Strike:** "an administrative"  
**Insert:** "a civil"

16. Page 15, line 24.

**Following:** "civil"  
**Strike:** "administrative"  
**Insert:** "civil"

17. Page 15, line 27.

**Following:** "civil"  
**Strike:** "assess an administrative"  
**Insert:** "institute a civil"  
**Following:** "action"  
**Insert:** "action"

18. Page 16.

**Following:** line 25

**Insert:** "NEW SECTION. Section 18. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. Section 19. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 320**, do pass. Report adopted.

**HB 444**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

2/6/2001

**HB 281**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.

**Following:** "UNLESS"  
**Strike:** remainder of line 7 through "INFORMATION" on line 8  
**Insert:** "THE WEBSITE OPERATOR COMPLIES WITH CERTAIN PROVISIONS"

2. Page 1, line 12.

**Strike:** "3"  
**Insert:** "4"

3. Page 1, line 15.

**Strike:** "3"  
**Insert:** "4"



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

4. Page 2, line 4.

**Strike:** "3"

**Insert:** "4"

5. Page 2, line 21 through page 3, line 26.

**Strike:** section 3 in its entirety

**Insert:** "NEW SECTION. **Section 3. Collection of personally identifiable information -- requirements.** (1) A government website operator may not collect personally identifiable information online from a website user unless the operator complies with the provisions of this section.

(2) A government website operator shall ensure that the website:

(a) identifies who operates the website;

(b) provides the address and telephone number at which the operator may be contacted as well as an electronic means for contacting the operator; and

(c) generally describes the operator's information practices, including policies to protect the privacy of the user and the steps taken to protect the security of the collected information.

(3) In addition to the requirements of subsection (2), if the personally identifiable information may be used for a purpose other than the express purpose of the website or may be given or sold to a third party, except as required by law, then the operator shall ensure that the website includes:

(a) a clear and conspicuous notice to the user that the information collected could be used for other than the purposes of the website;

(b) a general description of the types of third parties that may obtain the information; and

(c) a clear, conspicuous, and easily understood online procedure requiring an affirmative expression of the user's permission before the information is collected."

**Insert:** "NEW SECTION. **Section 4. No change of privacy right or public right to know.** [Sections 1 through 4] are not intended to expand or restrict the individual right of privacy or the public right to know or to change the rights and obligations of persons, state agencies, or local governments that are otherwise provided by law."

**Renumber:** subsequent section

6. Page 3, line 28 and line 30.

**Strike:** "3"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**SB 120**, be concurred in. Report adopted.

**SB 148**, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

2/6/2001

**SB 45**, be concurred in. Report adopted.

**SB 192**, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/5/2001

**HB 131**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "AND"

**Following:** "MCA"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

**Insert:** "; AND PROVIDING A TERMINATION DATE"

2. Page 2, line 29.

**Following:** "authority"

**Insert:** ", if probable cause exists,"

**Following:** "inspect"

**Strike:** "the"

**Insert:** "a"

**Following:** "tank"

**Insert:** "connected to the engine"

3. Page 3.

**Following:** line 1

**Insert:** "NEW SECTION. Section 2. Termination. [This act] terminates July 1, 2003."

And, as amended, do pass. Report adopted.

**HB 363**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

2/5/2001

**HB 99**, introduced by Devlin

**HB 194**, introduced by Bookout-Reinicke

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

2/5/2001

**HB 132**, introduced by Brueggeman

Senate bills passed and transmitted to the House for concurrence:

2/5/2001

**SB 97**, introduced by Mahlum

**SB 280**, introduced by McNutt

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 501**, introduced by Gallik, referred to Appropriations.

**HB 502**, introduced by Story, referred to Transportation.

**HB 503**, introduced by Buzzas, Bohlinger, referred to Appropriations.

**HB 504**, introduced by Gallik, Price (by request of the State Auditor), referred to Business and Labor.

**HB 505**, introduced by Dell, referred to Education.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 27**, introduced by R. Holden, referred to Business and Labor.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

**SB 35**, introduced by Bishop, referred to Education.

**SB 50**, introduced by Waterman (by request of the Department of Administration), referred to State Administration.

**SB 56**, introduced by McNutt (by request of the Transition Advisory Committee on Electric Utility Industry Restructuring), referred to Federal Relations, Energy, and Telecommunications.

**SB 57**, introduced by Johnson (by request of the Transition Advisory Committee on Electric Utility Industry Restructuring), referred to Federal Relations, Energy, and Telecommunications.

**SB 90**, introduced by Ekegren (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to State Administration.

**SB 115**, introduced by R. Holden, referred to Agriculture.

**SB 161**, introduced by Hargrove (by request of the Department of Environmental Quality), referred to Local Government.

**SB 162**, introduced by Grosfield (by request of the Local Government Funding and Structure Committee), referred to Taxation.

**SB 168**, introduced by Stonington (by request of the Department of Environmental Quality), referred to Local Government.

**SB 240**, introduced by McNutt, Bales, Clancy, Cole, Devlin, Forrester, Hedges, R. Holden, Olson, referred to Taxation.

**SB 262**, introduced by Wells, Adams, Berry, Butcher, Davies, Glaser, Hargrove, Keenan, Laszloffy, Miller, Sprague, referred to Fish, Wildlife and Parks.

**SB 269**, introduced by McNutt, Bales, Cole, Devlin, Hedges, R. Holden, Kasten, Kitzenberg, Lenhart, Lindeen, Matthews, Nelson, Pattison, Smith, Steinbeisser, Zook, referred to Federal Relations, Energy, and Telecommunications.

**SB 279**, introduced by McNutt, Sliter, referred to Business and Labor.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 4**, introduced by Taylor, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Masolo in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 417** - Representative Price moved **HB 417** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Total 0

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 182** - Representative Newman moved **HB 182** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 80

Noes: Adams, Bales, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Davies, Devlin, Lewis, Olson, Pattison, Rice, Rome, Sliter, Steinbeisser, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 295** - Representative Jent moved **HB 295** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Total 0

**HB 383** - Representative Younkin moved **HB 383** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Vick.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 90** - Representative Shockley moved **HB 90** do pass. Motion failed as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Curtiss, Dale, Davies, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Keane, Lee, Lehman, Lenhart, Lindeen, Matthews, McCann, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Ripley, Rome, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Waddill, Walters, Whitaker, Wolery, Mr. Speaker.

Total 47

Noes: Adams, Bales, Balyeat, Barrett, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Gallik, Gillan, Gutsche, Himmelberger, Hurdle, Jackson, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lewis, Mangan, Masolo, McKenney, Mood, Newman, Pattison, Raser, Rice, Schmidt, Schrumpf, Steinbeisser, Story, Tropila, Vick, Waitschies, Wanzenried, Witt, Younkin.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 139** - Representative Sliter moved consideration of **HB 139** be passed for the day. Motion carried.

**HB 262** - Representative Sliter moved consideration of **HB 262** be passed for the day. Motion carried.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

**HB 382** - Representative Whitaker moved **HB 382** do pass.

**HB 382** - Representative Whitaker moved **HB 382**, second reading copy, be amended as follows :

1. Title, lines 5 and 6.

**Strike:** "IMPOSING" on line 5 through "LAW" on line 6

**Insert:** "EXERCISING CERTAIN POWERS RELATED TO LANDLORDS AND TENANTS"

2. Page 2, line 11 through line 13.

**Strike:** "applies" on line 11 through "is" on line 12

**Insert:** "controls or regulates rent for a dwelling unit or alters the rights, remedies, or duties between a landlord and a tenant as"

3. Page 2, line 15 through line 21.

**Strike:** sections 2 and 3 in their entirety

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Hurdle, Jent, Lindeen.

Total 4

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

Representative Dale excused at this time.

Motion that **HB 382**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Golie, Hedges, Himmelberger, Holden, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Noennig, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 55

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Eggers, Erickson, Facey, Fritz, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, A. Peterson, K. Peterson, Schmidt, Smith, Story, Tropila, Waddill, Wanzenried, Younkin.

Total 44

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

**HB 396** - Representative K. Peterson moved **HB 396** do pass. Motion failed as follows:

Ayes: Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Curtiss, Dale, Davies, Dell, Esp, Fritz, Fuchs, Galvin-Halcro, Gillan, Haines, Himmelberger, Hurdle, Jackson, Laslovich, Lawson, Lewis, McCann, Mood, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Sliter, Somerville, Thomas, Vick, Waddill, Walters, Whitaker, Younkin, Mr. Speaker.

Total 43

Noes: Adams, Andersen, Bales, Barrett, Bixby, R. Brown, Clancy, E. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Gallik, Gallus, Golie, Gutsche, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Olson, Pattison, Price, Rice, Ripley, Rome, Schruppf, Shockley, Smith, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Wanzenried, Witt, Wolery.

Total 57

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 119** - Representative Vick moved **HB 119** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: P. Clark, Erickson, Fritz, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Mangan, Tropila.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Total 10

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 276** - Representative K. Peterson moved **HB 276**, as amended, do pass. Motion failed as follows:

Ayes: Bales, Bitney, Bookout-Reinicke, Branae, R. Brown, Callahan, Carney, E. Clark, P. Clark, Curtiss, Dell, Devlin, Eggers, Forrester, Fuchs, Gillan, Golie, Harris, Himmelberger, Hurdle, Jent, Keane, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Schmidt, Schrumpf, Sliter, Story, Tramelli, Waddill, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 46

Noes: Adams, Andersen, Balyeat, Barrett, Bixby, D. Brown, Brueggeman, Buzzas, Clancy, Cyr, Dale, Davies, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Hedges, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Lawson, Lehman, Lewis, Masolo, McCann, Mood, Pattison, Price, Raser, Rice, Ripley, Rome, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tropila, Vick, Waitschies, Walters, Wanzenried.

Total 54

Voted Absentee: Dale, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Masolo moved the Committee of the Whole report be adopted.

Representative Shockley made a substitute motion that **HB 90** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Report adopted as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Davies, Dell, Forrester, Fuchs, Gallus, Golie, Haines, Harris, Hedges, Holden, Jayne, Jent, Kasten, Laible, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 58

Noes: Adams, Bales, Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, P. Clark, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Himmelberger, Hurdle, Jackson, Jacobson, Juneau,



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Kaufmann, Keane, Laslovich, Lawson, Lehman, Lewis, Masolo, Newman, Raser, Rice, Smith, Tramelli, Waitschies, Wanzenried, Younkin.

Total 41

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 30** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan, Raser, Sliter.

Total 3

**HB 118** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Total 99

Noes: Adams.

Total 1

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 140** passed as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Adams, Andersen, Balyeat, E. Clark, Dale, Davies, Esp, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, Pattison, A. Peterson, Rice, Vick, Walters, Witt.

Total 19

Voted Absentee: Dale, No.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 157** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Bixby, Buzzas, P. Clark, Cyr, Erickson, Fisher, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Jayne, Jent,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Juneau, Kaufmann, Lee, Lehman, Masolo, Rice, Tramelli, Wanzenried.  
Total 21

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 190** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 349** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: Adams, D. Brown, Dell, Masolo, Pattison, Ripley, Smith, Waitschies.  
Total 8

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 362** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Facey, Harris, Hurdle.

Total 3

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Branae, Carney.

Total 3

**HB 381** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, P. Clark, Eggers, Gallik, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Lee, Mangan, Smith, Tramelli.

Total 14

Voted Absentee: Dale, Aye.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Sliter moved that **HB 340** be taken from the Committee on Natural Resources and rereferred to the Committee on State Administration. There being no objections, so ordered.

Representative Kaufmann requested on **HB 47**, third reading yesterday, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Kaufmann requested on **HB 30**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Sliter moved that **HB 232** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Barrett requested on **HB 362**, second reading yesterday, that her vote be changed from no to yes. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Thomas, Chairman):  
**HB 411**, introduced bill, be amended as follows:

2/6/2001

1. Title, line 5.

**Following:** "INVESTIGATE"

**Insert:** "AND PROSECUTE"

2. Page 2, lines 7 and 13.

**Strike:** "related to the medicaid program" on line 7 and line 13

**Insert:** "pursuant to subsection (1)" on line 7 and line 13

And, as amended, do pass. Report adopted.

**HJR 9**, introduced joint resolution, be amended as follows:

1. Title, line 5.

**Strike:** "EQUAL"

**Insert:** "EQUITABLE"

2. Page 2, line 3.

**Strike:** "equal"

**Insert:** "equitable"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

3. Page 2, line 9.

**Following:** "Congress"

**Insert:** "be requested to"

**Strike:** "equal"

**Insert:** "equitable"

And, as amended, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/6/2001

**HB 27**, do pass. Report adopted.

**HB 201**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "PROVIDING A PENALTY;"

2. Page 2, line 13.

**Following:** "when"

**Insert:** ", with the purpose to deprive the owner of the property,"

3. Page 2, line 14 through line 16.

**Following:** line 13

**Strike:** lines 14 through 16 in their entirety

**Insert:** ":",

(a) purposely or knowingly obtains or exerts unauthorized control over property of the person's employer or over property entrusted to the person; or

(b) purposely or knowingly obtains by deception control over property of the person's employer or over property entrusted to the person.

4. Page 2, line 23.

**Strike:** "Except as provided in subsection (8)(c), a"

**Insert:** "A"

5. Page 2, line 27 through line 29.

**Strike:** subsection (c) in its entirety

And, as amended, do pass. Report adopted.

**HB 213**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Following:** "PROTECTION;"

**Insert:** "AMENDING SECTIONS 40-4-125 AND 40-15-303, MCA;"

2. Page 1, line 21.

Page 1, line 22.

Page 1, line 26.

Page 2, line 15.

Page 2, line 25.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

Page 2, line 28.

Page 3, line 6.

Page 3, line 8.

**Strike:** "tribunal"

**Insert:** "court"

3. Page 2, line 4 through line 5.

**Strike:** subsection (8) in its entirety

4. Page 4, line 2 through line 3.

**Following:** "clerk of" on line 2

**Insert:** "any"

**Strike:** "the department" on line 2 through "services" on line 3

**Insert:** "to any local law enforcement agency"

5. Page 4, line 13.

**Following:** "[sections 1 through 8]"

**Insert:** "must be entered into the database of the national crime information center of the United States department of justice and"

6. Page 4, line 14.

**Following:** "or"

**Insert:** "other"

7. Page 4.

**Following:** line 30

**Insert:** "**Section 9.** Section 40-4-125, MCA, is amended to read:

**"40-4-125. Registration of orders.** (1) The clerk of court, justice of the peace, municipal court judge, or city court judge shall, within 24 hours of receiving proof of service of an order under 40-4-121, mail a copy of the order or any extension, modification, or termination ~~thereof~~ of the order along with a copy of the proof of service to the appropriate law enforcement agencies designated in the order, which shall, within 24 hours after receipt of the order, enter the order into the database of the national crime information center of the United States department of justice and may enter the order into any existing state or other federal registry of protection orders, in accordance with applicable law.

(2) Law enforcement agencies shall establish procedures, using an existing system for warrant verification and the database of the national crime information center of the United States department of justice, to ensure that peace officers at the scene of an alleged violation of a protective order are informed of the existence and terms of ~~such~~ the order.""

**Insert:** "**Section 10.** Section 40-15-303, MCA, is amended to read:

**"40-15-303. Registration of orders.** (1) The clerk of court, justice of the peace, municipal court judge, or city court judge shall, within 24 hours of receiving proof of service of an order under 40-15-201, 40-15-204, or 40-15-301, mail a copy of the order or any extension, modification, or termination of the order, along with a copy of the proof of service, to the appropriate law enforcement agencies designated in the order, which shall, within 24 hours after receipt of the order, enter the order into the database of the national crime information center of the United States department of justice and may enter the order into any existing state or other federal registry of protection orders, in accordance with applicable law.

(2) Law enforcement agencies shall establish procedures, using an existing system for warrant verification and the database of the national crime information center of the United States department of justice, to

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 6, 2001

ensure that peace officers at the scene of an alleged violation of an order of protection are informed of the existence and terms of the order.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 359**, do pass. Report adopted.

**HB 393**, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 31**: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Shea, Stonington, Tester, Toole, and Waterman.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, February 7, 2001. Motion carried.

House adjourned at 3:08 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 7, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Carney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/7/2001  
Correctly printed: **HB 27, HB 126, HB 131, HB 201, HB 213, HB 232, HB 281, HB 320, HB 359, HB 363, HB 393, HB 399, HB 411, HB 444, HB 458, HJR 9, SB 32, SB 45, SB 93, SB 120, SB 148, SB 189, SB 192.**

Correctly engrossed: **HB 119, HB 182, HB 295, HB 382, HB 383, HB 417.**

Examined by the sponsor and found to be correct: **HR 1.** 1/10/2001

Examined by the sponsor and found to be correct: **HB 1.** 1/16/2001

Examined by the sponsor and found to be correct: **HR 2.** 1/17/2001

Examined by the sponsor and found to be correct: **HB 17.** 1/20/2001

Examined by the sponsor and found to be correct: **HB 25, HB 45, HB 98.** 1/26/2001

Examined by the sponsor and found to be correct: **HB 39.** 1/29/2001

Examined by the sponsor and found to be correct: **HB 52.** 1/30/2001

**AGRICULTURE** (Hedges, Chairman): 2/1/2001

**HB 346**, do pass. Report adopted.

**HB 368**, do pass. Report adopted.

**APPROPRIATIONS** (Vick, Chairman): 2/7/2001

**HB 146**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "PROVIDING A STATUTORY APPROPRIATION;"

**Strike:** "17-7-502,"

2. Page 1, line 14 through page 2, line 15.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 8, line 26.

Page 10, line 10.

Page 18, line 9.

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

**Strike:** "[section 16]"

**Insert:** "[section 15]"

4. Page 20, line 6.

**Strike:** "[Sections 14 through 19]"

**Insert:** "[Sections 13 through 18]"

5. Page 20, line 9.

**Strike:** "[sections 14 through 19]"

**Insert:** "[sections 13 through 18]"

6. Page 21, line 19.

**Strike:** "[section 18]"

**Insert:** "[section 17]"

7. Page 21, line 23.

**Strike:** "[sections 14 through 19]"

**Insert:** "[sections 13 through 18]"

8. Page 22, line 14.

**Strike:** "[section 16]"

**Insert:** "[section 15]"

9. Page 22, line 22.

**Strike:** "[sections 14 through 19]"

**Insert:** "[sections 13 through 18]"

10. Page 23, line 17 and line 18.

**Strike:** "[section 16]" on line 17 and line 18

**Insert:** "[section 15]" on line 17 and line 18

11. Page 23, line 23 through line 25.

**Strike:** section 20 in its entirety

**Renumber:** subsequent sections

12. Page 23, line 29.

**Strike:** "[SECTION 16]"

**Insert:** "[section 15]"

13. Page 24, line 2.

**Strike:** "[Sections 14 through 19]"

**Insert:** "[Sections 13 through 18]"

14. Page 24, line 4.

**Strike:** "[sections 14 through 19]"

**Insert:** "[sections 13 through 18]"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

**HB 186**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 2/6/2001  
**SB 112**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman): 2/7/2001  
**HB 294**, do pass. Report adopted.  
**SB 11**, be concurred in. Report adopted.  
**SB 75**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/6/2001

**SB 248**, introduced by Grimes  
**SB 285**, introduced by McNutt

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 506**, introduced by R. Brown, referred to Transportation.  
**HB 507**, introduced by Rome, referred to Business and Labor.  
**HB 508**, introduced by Younkin, referred to State Administration.  
**HB 509**, introduced by Buzzas, Cocchiarella, Ellingson, Erickson, Facey, Fritz, Gutsche, Halligan, Mahlum, Raser, Wanzenried, referred to Appropriations.  
**HB 510**, introduced by Lawson, referred to Human Services.  
**HB 511**, introduced by McGee, referred to State Administration.  
**HB 512**, introduced by Somerville, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 21**, introduced by Laible, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mood in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 156** - Representative Matthews moved **HB 156** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden,

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Esp, Fisher, Haines, Jayne, Vick, Waitschies, Whitaker.

Total 9

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 306** - Representative Balyeat moved **HB 306** do pass.

**HB 306** - Representative Balyeat moved **HB 306**, second reading copy, be amended as follows :

1. Page 8, line 1.

**Following:** "RESERVE"

**Insert:** "from the pool of unreserved licenses"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Matthews, McKenney, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Barrett, Bixby, Buzzas, P. Clark, Cyr, Dell, Eggers, Erickson, Gallik, Gallus, Gillan, Golie, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, McCann, Musgrove, Schmidt, Smith, Tropila, Wanzenried.

Total 30

Excused: None.

Total 0

Absent or not voting: Curtiss, Mood, Raser.

Total 3

Motion that **HB 306**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy,

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

Curtiss, Dale, Davies, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Haines, Hedges, Himmelberger, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Vick, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 56

Noes: Barrett, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Olson, A. Peterson, Schmidt, Smith, Story, Tropila, Waddill, Wanzenried, Witt.

Total 43

Excused: None.

Total 0

Absent or not voting: Hurdle.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Mood moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Eggers, Erickson, Galvin-Halcro, Golie, Juneau, Schmidt, Smith, Wanzenried.

Total 8

Excused: None.

Total 0

Absent or not voting: Laible, Tramelli.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 119** passed as follows:

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, P. Clark, Erickson, Gallik, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Mangan, Tropila.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 182** passed as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 77

Noes: Adams, Bales, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Davies, Devlin, Fuchs, Lewis, Mood, Olson, Pattison, Rice, Sliter, Steinbeisser, Vick, Waitschies, Walters.  
Total 21

Excused: None.  
Total 0

Absent or not voting: McCann, A. Peterson.  
Total 2

**HB 295** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill,

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Harris, Hurdle, Olson.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 383** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Eggers, McCann.  
Total 2

**HB 417** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**HB 389**, introduced bill, be amended as follows:

2/7/2001

1. Title, line 5.

**Following:** "SECURITY"

**Insert:** "AND PROOF OF GENERAL LIABILITY INSURANCE"

2. Title, line 6.

**Strike:** "FOR SUSPENSION AND REVOCATION OF CERTIFICATES"

**Insert:** "ENFORCEMENT PROVISIONS"

3. Title, line 15.

**Strike:** "AND"

**Following:** "CODE"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

4. Page 2, line 18.

**Strike:** "new"

5. Page 2, line 20.

**Strike:** "new"

6. Page 2, line 22.

**Strike:** "new"

7. Page 2, line 24.

**Following:** "fees"

**Insert:** "-- liability insurance"

8. Page 2, line 29.

**Strike:** "direct"

9. Page 3, line 5.

**Strike:** "direct"

10. Page 3.

**Following:** line 12

**Insert:** "(5) The department may issue a certificate without examination to a person licensed in another state if the



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

department determines that the other state's license standards at the time the application is made to this state are substantially equivalent to or greater than the standards in this state."

**Renumber:** subsequent subsection

11. Page 3, line 13.

**Following:** "application"

**Strike:** ", "

**Insert:** ": (i)"

12. Page 3, line 14.

**Strike:** "\$25,000"

**Insert:** "\$10,000"

13. Page 3, line 15.

**Strike:** "\$25,000"

**Insert:** "\$10,000"

**Following:** "annually."

**Insert:** "(ii) proof of a general liability insurance policy in an amount of no less than \$500,000. The policy must state the name of the manufactured home installer or the installer's company and must be in place during the entire period that the installer is certified by the department."

14. Page 3.

**Following:** line 20

**Insert:** "(7) All fees and money received by the department must be deposited in the state special revenue fund for use by the department in administering the provisions of [sections 1 through 13]."

15. Page 4, line 12.

**Strike:** "3"

**Insert:** "2"

16. Page 4, line 20 through line 26.

**Strike:** section 7 in its entirety

**Insert:** "NEW SECTION. **Section 7. Enforcement.** The provisions of Title 37, chapter 1, part 4, apply to [sections 1 through 13]."

17. Page 4, line 28.

**Strike:** "After October 1, 2002, all"

**Insert:** "All"

18. Page 5, line 24.

**Strike:** "After October 1, 2002, a"

**Insert:** "A"

19. Page 7, line 24.

**Following:** "(1)"

**Strike:** "The owner or"

**Insert:** "Except as provided in subsection (5),"

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

20. Page 8.

**Following:** line 9

**Insert:** "(5) A manufactured home owner performing installation work on the home owner's own home is not required to obtain an installation permit."

21. Page 8.

**Following:** line 13

**Insert:** "NEW SECTION. **Section 15. Effective dates.** (1) [Sections 2 through 7 and 14 and this section] are effective October 1, 2001.

(2) [Sections 1 and 8 through 13] are effective October 1, 2002."

And, as amended, do pass. Report adopted.

**SB 30**, be concurred in. Report adopted.

**SB 59**, be amended as follows:

1. Title, line 7.

**Following:** "MCA;"

**Insert:** "LIMITING EVENTS TO THREE A YEAR; REQUIRING THAT NET PROCEEDS FROM AN EVENT GO TO THE POST OR LODGE ACQUIRING THE SPECIAL PERMIT;"

2. Page 2, line 4.

**Following:** "organization"

**Insert:** "otherwise licensed under this code"

**Following:** "to"

**Strike:** "a"

**Strike:** "permit"

**Insert:** "permits for three events a year as described in subsection (1)(a)"

3. Page 2, line 5.

**Strike:** "whether" through "code"

**Following:** "z"

**Insert:** "All net proceeds must go to the post or lodge acquiring the special permit."

And, as amended, be concurred in. Report adopted.

**SB 156**, be concurred in. Report adopted.

**SB 157**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 2/7/2001

**HJR 11**, be adopted. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman): 2/7/2001

**HB 292**, introduced bill, be amended as follows:

1. Title, line 6 through line 9.

**Following:** "PUBLIC FISHING;" on line 6

**Strike:** remainder of line 6 through "PROGRAM;" on line 9

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

2. Title, line 11.

**Following:** "AMENDING"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Following:** "87-1-269"

**Strike:** "AND 87-2-202"

3. Page 1, line 17 through line 19.

**Following:** "establish" on line 17

**Strike:** remainder of line 17 through "87-1-303," on line 19

4. Page 1, line 21.

**Following:** "where"

**Insert:** "legal"

5. Page 1, line 22.

**Following:** "exist"

**Strike:** "by law"

6. Page 1, line 25 through line 27.

**Following:** "rules." on line 25

**Strike:** remainder of line 25 through "crossings." on line 27

7. Page 1, line 28.

**Following:** "similar" on line 28

**Strike:** remainder of line 28 through "program" on line 29

**Insert:** "voluntary programs"

8. Page 2, line 6 through line 9.

**Following:** "(4)" on line 6

**Strike:** remainder of line 6 through "transportation." on line 9

9. Page 2, line 9.

**Following:** "from the"

**Strike:** "fishing access enhancement"

**Following:** "established"

**Strike:** "in [section 3]"

**Insert:** "pursuant to 87-1-605"

**Following:** "may"

**Strike:** "also"

10. Page 2, line 16.

**Following:** "enhance"

**Strike:** "the block management program, to be known as the"

**Following:** "access"

**Strike:** "enhancement program"

11. Page 2, line 18 through line 19.

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

**Strike:** "Benefits" on line 18 through "[section 3]." on line 19

12. Page 2, line 20 through line 21.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

13. Page 2, line 24.

**Following:** "include"

**Insert:** "leases,"

**Following:** "easements"

**Insert:** ", "

14. Page 2, line 25.

**Following:** "and"

**Insert:** "leases or"

15. Page 3, line 3.

**Following:** "restrictions;"

**Strike:** "and"

16. Page 3, line 4.

**Following:** "public"

**Insert:** "; and

(e) notice to adjacent landowners"

17. Page 3, line 5.

**Following:** "subsection"

**Strike:** "(3)"

**Insert:** "(2)"

18. Page 3, line 6.

**Following:** "lands"

**Strike:** "outside the block management area"

19. Page 3, line 20.

**Following:** "manner:"

**Insert:** "(a) A landowner may receive direct monetary compensation for providing fishing access."

**Renumber:** subsequent subsections

20. Page 3, line 29 through line 30.

**Strike:** subsection (7) in its entirety

**Renumber:** subsequent subsection

21. Page 4, line 4 through line 9.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

22. Page 5, line 3 through page 6, line 6.

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 7, 2001

**Strike:** section 5 in its entirety  
**Renumber:** subsequent sections

23. Page 6, line 8.  
**Following:** "Sections"  
**Strike:** "through 3"  
**Insert:** "and 2"

24. Page 6, line 10.  
**Following:** "sections"  
**Strike:** "through 3"  
**Insert:** "and 2"

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Schrumpf requested on **HB 276**, second reading yesterday, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Mood requested on **HB 306**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Newman requested on **HB 119**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Rice requested on **HB 306**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 397**: Adams, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Curtiss, Dale, Dell, DePratu, Ellis, Erickson, Laslovich, Lawson, Olson, A. Peterson, Ripley, Smith, Somerville, Taylor, B. Thomas, and Tropila.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, February 8, 2001. Motion carried.

House adjourned at 2:12 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 8, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Laslovich. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/8/2001  
Correctly printed: **HB 146, HB 186, HB 292, HB 294, HB 346, HB 368, HB 389, HJR 11, SB 11, SB 30, SB 59, SB 75, SB 112, SB 156, SB 157.**  
Correctly engrossed: **HB 156, HB 306.**  
Correctly enrolled: **HB 22, HB 50, HB 93, HB 180.**  
Examined by the sponsor and found to be correct: **HB 34, HB 36, HB 56.** 2/2/2001  
Examined by the sponsor and found to be correct: **HB 24, HB 26, HB 51, HB 91, HB 115, HB 117.** 2/5/2001  
Examined by the sponsor and found to be correct: **HB 99, HB 194.** 2/6/2001

**EDUCATION** (Masolo, Chairman): 2/8/2001  
**HB 265**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "THE COLLEGES OF TECHNOLOGY"

**Insert:** "POSTSECONDARY INSTITUTIONS"

2. Title, line 7.

**Strike:** "COLLEGES OF TECHNOLOGY"

**Insert:** "POSTSECONDARY INSTITUTIONS"

**Strike:** "TUITION"

**Insert:** "FEES"

3. Title, line 8.

**Strike:** "FROM ANB PAYMENTS"

4. Title, line 8.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 20-7-301"

5. Page 1, lines 13 and 14.

**Strike:** "college" on line 13 through "technology" on line 14

**Insert:** "postsecondary institution"

6. Page 1, line 14.

**Following:** "credits."

**Insert:** "(1) As used in this section, "postsecondary institution" means a unit of the Montana university system, a

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

public community college, or a tribal college."

**Strike:** "cooperative"

**Renumber:** subsequent subsections

7. Page 1, lines 15, 18, and 30.

**Strike:** "college of technology"

**Insert:** "postsecondary institution"

8. Page 1, lines 16 and 17.

**Strike:** "college of technology tuition-free"

**Insert:** "postsecondary institution at a cost determined by the interlocal agreement"

9. Page 1, line 19.

**Following:** "paid"

**Insert:** "to the postsecondary institution"

10. Page 1, line 19 through line 24.

**Strike:** "from" on line 19 through "credits" on line 24

11. Page 1, line 25.

**Strike:** "to"

**Insert:** "by"

12. Page 1, lines 26 and 27.

**Strike:** the first "by" on line 26 through the first "to" on line 27

**Insert:** ". The district shall"

13. Page 1, line 27.

**Following:** "in"

**Insert:** "the proposed"

**Following:** "college"

**Insert:** "coursework"

14. Page 1, lines 28 and 29.

**Following:** "credits" on line 28

**Strike:** ", " on line 28 through "credit" on line 29

**Insert:** "as determined by the interlocal agreement"

15. Page 2, line 1.

**Strike:** "college"

**Insert:** "postsecondary institution"

16. Page 2, lines 4 and 5.

**Strike:** "college" on line 4 through the first "technology" on line 5

**Insert:** "postsecondary institution"

17. Page 2, line 5.

**Strike:** "college of technology" in both places

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

**Insert:** "postsecondary institution"

18. Page 2, line 6.

**Following:** "credits"

**Insert:** "as determined by the interlocal agreement"

19. Page 4, line 14.

**Following:** "(26)"

**Insert:** "consider and may"

20. Page 4, line 14.

**Strike:** "college of technology"

**Insert:** "postsecondary institution, as defined in [section 1],"

21. Page 4, line 15.

**Strike:** "college of technology"

**Insert:** "postsecondary institution"

22. Page 4, line 20 through page 5, line 15.

**Strike:** section 3 in its entirety

**Insert:** "NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the president of each tribal college."

And, as amended, do pass. Report adopted.

**HB 353**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

**Strike:** "REQUIRING" on line 5 through "PROGRAMS;" on line 6

2. Page 1, line 11.

**Following:** "program"

**Strike:** "--" through "reports"

3. Page 1, line 13 through line 15.

**Strike:** "Beginning" on line 13 through "breakfasts" on line 15

**Insert:** "A school district that wishes to participate in the school breakfast program may apply to the superintendent of public instruction for startup funds to establish the program. If there is more than one school in the district, the trustees shall select the schools to be included in the program"

4. Page 1, line 16.

**Strike:** "school districts"

**Insert:** "schools"

5. Page 1, line 17.

**Strike:** "district"

**Insert:** "school"



HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

6. Page 1, line 20 through line 26.

**Strike:** subsections (3) and (4) in their entirety

7. Page 1, line 29.

**Strike:** "department" through "services"

**Insert:** "superintendent of public instruction"

And, as amended, do pass. Report adopted.

**HB 358**, introduced bill, be amended as follows:

1. Page 2, line 16.

**Strike:** "prorate" through "reflect"

**Insert:** "shall fund the budget for"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman):

2/7/2001

**HB 167**, introduced bill, be amended as follows:

1. Page 2, line 11.

**Strike:** subsection (A) in its entirety

**Renumber:** subsequent subsections

2. Page 2, line 15.

**Following:** ",'" "

**Strike:** "or"

3. Page 2, line 16.

**Strike:** " z "

**Insert:** " z or "

(F) a community college as provided in Title 20, chapter 15."

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

2/8/2001

**HB 324**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AN"

**Insert:** "A REGULAR OR"

2. Title, lines 5 and 6.

**Strike:** " ANY NUMBER OF"

**Insert:** "13 OR MORE"

3. Page 1, line 20.

**Strike:** " z "

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

4. Page 1, line 21.

**Strike:** "(i)"

**Following:** "regular"

**Insert:** "or irregular"

**Strike:** "or"

**Insert:** "."

5. Page 1, line 22.

**Strike:** subsection (ii) in its entirety

6. Page 1, line 27.

**Strike:** "(ii)"

And, as amended, do pass. Report adopted.

**HB 456**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** ";

**Insert:** "PROVIDING AN APPROPRIATION FROM THE INCOME ON THE TOBACCO SETTLEMENT TRUST FUND;"

2. Page 4, following line 8.

**Insert:** "NEW SECTION. Section 2. Appropriation. There is appropriated, from the income on the tobacco settlement trust fund provided for in Article XII, section 4, of the Montana constitution, to the department of public health and human services \$129,270 in fiscal year 2002 and \$258,540 in fiscal year 2003 for the purposes of matching with federal medicaid money to treat victims of breast and cervical cancer, as provided in [section 1]."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/7/2001

**HB 402**, do pass. Report adopted.

**HB 412**, do pass. Report adopted.

**TAXATION** (Story, Chairman):

2/8/2001

**HB 57**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Strike:** "\$1.6"

2. Page 1, line 12.

**Strike:** "million"

**Insert:** "\$500,000"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

**HB 273**, do pass. Report adopted.

**SB 61**, be concurred in. Report adopted.

**SB 172**, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/8/2001

**HB 33**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "SALE OR"

2. Title, line 7.

**Following:** "SECTIONS"

**Insert:** "85-2-122,"

3. Page 1, line 12.

**Strike:** "sale or"

4. Page 1, line 13.

**Strike:** "sell or"

5. Page 1, line 15.

**Strike:** "sale or"

6. Page 1, line 16.

**Strike:** "buyer or"

7. Page 1, line 19.

**Strike:** "sale or"

8. Page 1, line 22.

**Strike:** subsection (g) in its entirety

**Renumber:** subsequent subsections

9. Page 1, line 24.

**Strike:** "and"

10. Page 1.

**Following:** line 24

**Insert:** "(i) the diversion flow rate and volume of water to be used during the period of use; and"

**Renumber:** subsequent subsection

11. Page 1, line 28.

**Strike:** "sale or"

**Strike:** "40,000"

**Insert:** "60,000"

12. Page 1, line 29.

**Following:** "less."

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

**Insert:** "Any combination of short-term leases cannot exceed 120,000 gallons a day for one project."

13. Page 1, line 30.

**Strike:** "10"

**Insert:** "2"

14. Page 2, line 1.

**Strike:** "appropriation"

**Insert:** "use"

**Strike:** "buyer or"

15. Page 2, line 2.

**Following:** "notice"

**Insert:** "or copies of the individual notice"

**Strike:** "and"

16. Page 2, line 3.

**Strike:** "sale or"

17. Page 2, line 3.

**Following:** "agreement"

**Insert:** "; and"

(c) for a combination of short-term leases greater than 60,000 gallons a day for one project, an analysis by the lessee of any potential adverse effects and a description of planned actions to mitigate any potential adverse effects to appropriators in the area of the proposed point of diversion"

18. Page 2, line 4.

**Strike:** "buyer or"

19. Page 2, line 6.

**Strike:** "appropriation"

**Insert:** "use"

**Following:** "water"

**Insert:** "or shall mail individual notice to potentially affected appropriators in the area of the proposed point of diversion"

20. Page 2, line 6.

**Following:** "The"

**Insert:** "published notice or the individual"

21. Page 2, line 7.

**Following:** "(1)(j)"

**Insert:** "and (3)(c)"

22. Page 2.

**Following:** line 7

**Insert:** "(5) (a) The owner of a water right, whether the right is prior or subsequent in priority to the short-term lease acquired by a person under this section, who cannot satisfy in full the owner's right during the time that the

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

short-term lessee is diverting water may make a complaint to the department and cause the short-term lessee's diversion to be discontinued.

(b) The diversion is discontinued until the owner's right is satisfied or until the lessee establishes to the department that the discontinuance has had no effect on the owner's water right. Upon establishment that discontinuance has not had an effect, the department shall enter an order allowing the diversion to continue.

(6) If a person purposely, with malicious intent, causes the discontinuance of a short-term diversion through the complaint process provided in subsection (5)(a) and the complaint is found to be invalid and frivolous, the person is, upon conviction, guilty of a misdemeanor and shall be fined in an amount not to exceed \$500."

**Renumber:** subsequent subsection

23. Page 2, line 8.

**Strike:** "a prior"

**Insert:** "an"

24. Page 2.

**Following:** line 9

**Insert:** "(8) A civil action instituted to enjoin or seek damages from a person appropriating water pursuant to this section must be commenced against the lessee. The lessor is not a necessary party to a civil action. The lessee has the burden of establishing that the lessee's use does not have an adverse effect on a prior appropriator of water."

25. Page 2.

**Following:** line 9

**"Section 2.** Section 85-2-122, MCA, is amended to read:

**"85-2-122. Penalties.** (1) A person who violates or refuses or neglects to comply with the provisions of this chapter, any order of the department, or any rule of the department is guilty of a misdemeanor.

(2) ~~★ Except as provided in [section 1(6)],~~ a person who violates or refuses or neglects to comply with the provisions of 85-2-114, any order of the department, or any rule of the department is subject to a civil penalty not to exceed \$1,000 per violation. Each day of violation constitutes a separate violation.

(3) Fines collected by the department or a district court under subsection (2) must be deposited in the account established in 85-2-318 for use by the department in the enforcement of 85-2-114."

**Renumber:** subsequent sections

26. Page 15, line 1.

**Strike:** "sale or"

27. Page 15, line 5.

**Strike:** "or [section 1]"

And, as amended, do pass. Report adopted.

**HB 401**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Strike:** "unlawfully"

2. Page 2, line 2.

**Strike:** "any of the following"

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

**Insert:** "vandalism or other unlawful activity"

3. Page 2, lines 3 through 5.

**Following:** "property" on line 3

**Strike:** remainder of line 3 through "riding" on line 5

And, as amended, do pass. Report adopted.

**HB 432**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/7/2001

**SB 81**, introduced by Hargrove

**SB 197**, introduced by Tester

**SB 290**, introduced by Franklin

Senate joint resolution passed and transmitted to the House for concurrence: 2/7/2001

**SJR 8**, introduced by Christiaens

House bills concurred in and returned to the House: 2/7/2001

**HB 22**, introduced by Lindeen

**HB 50**, introduced by Juneau

**HB 93**, introduced by Gillan

**HB 180**, introduced by Callahan

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/7/2001

**HB 40**, introduced by Witt

**MESSAGES FROM THE GOVERNOR**

February 7, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 39** sponsored by Representative Fuchs, **House Bill 52** sponsored by Representative Gallik, and **House Bill 98** sponsored by Representative Lewis on February 7, 2001.

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 513**, introduced by Fuchs, referred to Natural Resources.

**HB 514**, introduced by Jent, Stapleton, referred to Business and Labor.

**HB 515**, introduced by Lehman, Lawson, referred to Business and Labor.

**HB 516**, introduced by Jent, referred to Appropriations.

**HB 517**, introduced by Mangan, referred to Business and Labor.

**HB 518**, introduced by Masolo, referred to State Administration.

**HB 519**, introduced by Forrester, Cocchiarella, Jacobson, Matthews, Shea, Sliter, Somerville, Sprague, Story, referred to Taxation.

**HB 520**, introduced by P. Clark, Bohlinger, Bookout-Reinicke, Clancy, Curtiss, Dale, Davies, Elliot, Fuchs, Gallus, Grimes, Kitzenberg, Laszloffy, Lenhart, Mahlum, Matthews, Mood, O'Neil, Rome, Shockley, Sprague, Steinbeisser, Tester, F. Thomas, Wells, referred to Fish, Wildlife and Parks.

**HB 521**, introduced by Newman, referred to Judiciary.

**HB 522**, introduced by Gutsche, Cocchiarella, Erickson, Gallus, Golie, Harrington, Hedges, Juneau, Kaufmann, Rome, referred to Transportation.

**HB 523**, introduced by Whitaker, Berry, Ekegren, Lawson, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 22**, introduced by Curtiss, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker McGee in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 11** - Representative Tropila moved **HJR 11** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Representative Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Sliter moved that the rules be suspended to place **HJR 11** on third reading today. There being no objections, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 382** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley,



HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 63

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Eggers, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lindeen, Newman, Pattison, K. Peterson, Schmidt, Story, Waddill, Wanzenried, Younkin.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Noennig.  
Total 1

**HJR 11** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved to proceed to Special Orders of the Day for the purpose of a joint session and that following the joint session, the House adjourn and reconvene at 1:00 p.m. Friday, Legislative Day 33, February 9, 2001. Motion carried.

House recessed at 1:16 p.m.

House reconvened at 1:19 p.m. All members present. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 8, 2001

Speaker McGee introduced President Beck and yielded the Chair to him.

Senator Beck moved that the body resolve itself into a joint session for the purpose of receiving the State of Indian Nations Address from the Honorable Earl Old Person, Chairman of the Tribal Council of the Blackfeet Nation. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee of four to notify the tribal leaders that the House was in joint session and ready to receive the State of Indian Nations Address. Motion carried.

President Beck appointed Senators Pease and Taylor and Representatives Brueggeman and Smith and discharged them to escort the Chairman and dignitaries into the House Chamber.

Sergeant-at-Arms Cramer escorted the Chairman of the Tribal Council of the Blackfeet Nation, dignitaries and committee into the House Chamber.

Charles Gopher, a respected elder, cultural and religious leader of the Rocky Boy Tribal Council, gave the Invocation accompanied by the Rocky Boy Singers.

President Beck welcomed and introduced the representatives of the Tribal Nations: Ervin Carlson and Leo Kennerly of the Blackfeet Tribe; Joe McConnell and Ben Speakthunder of the Fort Belknap Tribe; Clifford Birdinground and Larney Little Owl of the Crow Tribe; Geri Small and Hilda Moss of the Northern Cheyenne Tribe; Roxanne Gorneau and Tom Christian of the Fort Peck Tribe; Tim Zimmerman and Toby Whitacker of the Little Shell Tribe; Fredd Matt and Jamie Hamel of the Salish and Kootenai Tribe and Alvin Windy Boy and Jonathan Windy Boy of the Rocky Boy Tribe.

President Beck introduced the Honorable Earl Old Person, respected cultural leader and chairman of the Blackfeet Tribe, who gave the State of Tribal Nations Address after performing two traditional native songs accompanied by the Rawhide Drummers.

President Beck introduced Dr. Henrietta Mann, Chairperson of the Native American Studies Program at MSU, who addressed the joint session.

Charles Gopher, Rocky Boy Singers and the Rawhide Drummers performed the closing ceremony.

The escort committee escorted Chairman Old Person and other dignitaries from the joint session.

Senator Beck moved that the joint session of the 57<sup>th</sup> legislature be adjourned. Motion carried.

House adjourned at 2:29 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 9, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Lehman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Harris and Tramelli, excused. Quorum present.

Representative Jacobson led the House in singing Happy Birthday to Representative Callahan.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/9/2001  
Correctly printed: **HB 33, HB 57, HB 167, HB 265, HB 273, HB 324, HB 353, HB 358, HB 401, HB 402, HB 412, HB 432, HB 456, SB 61, SB 172.**

Examined by the sponsor and found to be correct: **HB 22, HB 50, HB 93, HB 180.** 2/8/2001

**BUSINESS AND LABOR** (McKenney, Chairman): 2/8/2001  
**HB 463**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "AND"

2. Title, line 7.

**Following:** "ACCOUNT"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1, line 21.

**Strike:** "a restraining"

**Insert:** "an"

**Following:** "order"

**Insert:** "of protection"

4. Page 1, line 26.

**Strike:** "other"

**Following:** "professional"

**Insert:** "person, as defined in 53-21-102,"

5. Page 1.

**Following:** line 27

**Insert:** "(3) An individual who is otherwise eligible for benefits under this section becomes ineligible if the individual remains in or returns to the abusive situation that caused the individual to leave work or be discharged.

(4) For the purposes of this section, "domestic violence" means the physical, sexual, mental, or emotional abuse of an individual or the individual's child by a person with whom that individual or the individual's child lives or has recently lived."

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

6. Page 1, line 31.

**Following:** line 30

**Insert:** "NEW SECTION. Section 3. Effective date -- applicability. [This act] is effective July 1, 2001, and applies to an individual who leaves work or is discharged because of circumstances resulting from domestic violence on or after [the effective date of this act].

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 493**, do pass. Report adopted.

**SB 106**, be amended as follows:

1. Page 1, line 12.

**Following:** "loan,"

**Strike:** "an"

**Insert:** "a contract"

**Following:** "action"

**Insert:** "or a breach of contract action"

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/8/2001

**HB 331**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "means"

**Insert:** "includes but is not limited to"

2. Page 1, line 23.

**Following:** "security number"

**Insert:** "or other federal government identification number"

3. Page 1, line 24.

**Strike:** "or"

4. Page 1, line 25.

**Strike:** "of an individual"

**Insert:** ", or similar identifying information relating to a"

And, as amended, do pass. Report adopted.

**HB 424**, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/8/2001

**HB 125**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "SUPPORTED"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

**Insert:** "TO THE EXTENT CONSIDERED ACHIEVABLE"

2. Page 1, line 26.

**Following:** "supported"

**Insert:** "to the extent considered achievable"

3. Page 2, line 1.

**Strike:** "90"

**Insert:** "60"

4. Page 3, line 23.

**Following:** the first "the"

**Strike:** "water quality standards for the water body's classification"

**Insert:** "goal of the temporary water quality standards"

And, as amended, do pass. Report adopted.

**HB 159**, introduced bill, be amended as follows:

1. Page 2, line 12.

**Following:** "project"

**Insert:** ", provided that if the project applicant is a municipality, the municipality shall solicit and evaluate proposals from private persons for the operation of the composting facility"

And, as amended, do pass. Report adopted.

**HB 209**, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 12.

**Following:** "CLAIM" on line 10

**Insert:** "CERTIFICATION"

**Strike:** "PROHIBITING" on line 10 through "RECOVERED;" on line 12

2. Title, page 1, line 14.

**Following:** "75-10-722,"

**Insert:** "AND"

**Following:** "75-10-724,"

**Strike:** "75-10-733, AND 75-10-738,"

3. Page 4, line 12.

**Following:** "business"

**Strike:** "owner"

4. Page 4, line 13.

**Following:** "to"

**Strike:** remainder of line 13

**Insert:** "contaminated air;"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

5. Page 5, line 29.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

6. Page 8, line 19.

**Following:** the second "person"

**Insert:** "of the nature of the known or suspected contamination and"

7. Page 8, line 21.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

8. Page 9, line 12.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

9. Page 9, line 16.

**Following:** "section;"

**Strike:** "or"

10. Page 9, line 19.

**Following:** "court"

**Insert:** "; or

(e) an action to determine the validity of the portion of an order directing the person to pay private response costs"

11. Page 10, line 22.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

12. Page 16, line 10.

**Following:** "claims"

**Insert:** "-- department determinations"

13. Page 16, line 12.

**Following:** "that"

**Strike:** "comply with this section"

**Insert:** "it certifies pursuant to subsection (2)"

**Following:** "complaint"

**Strike:** ", "

**Insert:** "or"

14. Page 16, line 13.

**Following:** "order"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

**Strike:** ", or other action"

15. Page 16, line 14.

**Following:** "(2)"

**Strike:** remainder of line 14

**Insert:** "The department shall certify those costs that it determines to be reasonable and actual"

16. Page 16, line 15 through line 16.

**Following:** "release" on line 15

**Strike:** remainder of line 15 through "75-10-715" on line 16

**Insert:** "of a hazardous or deleterious substance"

17. Page 16

**Following:** line 24

**Insert:** "(3) Failure of a person to submit a claim for a cost pursuant to subsection (1) or a determination by the department not to certify a cost does not bar the person from filing an action pursuant to 75-10-724, and evidence of failure to submit a cost or the department's determination not to certify a cost is not admissible in evidence in an action brought pursuant to 75-10-724. An applicant's sole judicial remedy under this part for reimbursement of a cost that the department determines not to certify is considered an action pursuant to 75-10-724."

**Renumber:** subsequent subsections

18. Page 16, line 29.

**Following:** "or"

**Insert:** "issues an"

19. Page 16, line 30 through page 17, line 1.

**Following:** "(5)" on line 16

**Strike:** remainder of line 30 through "prior" on page 17, line 1

**Insert:** "Prior"

**Following:** "part"

**Insert:** ", the department shall publish once a week for 3 consecutive weeks in a newspaper of general circulation in the county where all or a portion of the release is located a notice of the deadline for submitting private response costs for review and inclusion in the department's cost recovery action"

20. Page 17, line 10.

**Following:** "paid"

**Insert:** "or that will be paid"

21. Page 17, line 15.

**Following:** the first "costs,"

**Insert:** "including attorney fees, legal costs, and certified"

**Following:** the second "costs"

**Strike:** ", penalties, and legal expenses"

22. Page 17, line 16.

**Following:** "percentages."

**Insert:** "The department is not required to reimburse more than the amount of the certified private response costs."

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

23. Page 17.

**Following:** line 16

**Insert:** "(5) A person who is liable or potentially liable under 75-10-715 may not submit a claim or receive reimbursement for private response costs under [section 5].

(6) A person may not recover costs for the same claim more than once under any provision of law.

(7) The department may not reimburse more than \$25,000 in private response costs to each household or business affected by the release."

24. Page 20, line 23.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

25. Page 21, line 23.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

26. Page 22, line 14.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

27. Page 22, line 20.

**Following:** "Payment of"

**Strike:** "state"

28. Page 22, line 21.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

29. Page 22, line 25.

**Following:** "costs"

**Strike:** "submitted"

**Insert:** "certified"

30. Page 23, line 20 through line 21.

**Following:** "costs"

**Strike:** "resulting" on line 20 through "75-10-715" on line 21

31. Page 23, line 23.

**Following:** "successful"

**Insert:** ", from a person who is liable under 75-10-715"

32. Page 23.

**Following:** line 25

**Insert:** "(4) The court in any action brought to recover costs has the discretion to award attorney fees to the prevailing



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

or substantially prevailing party."

33. Page 23, line 27 through page 25, line 11.

**Strike:** section 12 and section 13 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 477**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

2/8/2001

**HB 239**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.

**Strike:** "PROVIDING" on line 7 through ";" on line 8

2. Page 1, line 15.

**Following:** "by"

**Insert:** "the"

**Strike:** "and state-assisted organizations"

3. Page 1, line 18.

**Strike:** "been" through "latest"

**Insert:** "not been systematically incorporated into the procurement process for new"

4. Page 1, line 24.

**Strike:** "and"

5. Page 1, line 25.

**Strike:** "the most advanced"

**Insert:** "new"

6. Page 1, line 27.

**Following:** "age"

**Insert:** "; and"

(f) although access to programs, technology, and information is provided for under other state and federal law and, in many instances, compels the installation and availability of nonvisual technology adaptations, access to information technology is most effectively accomplished at the point of procurement, ensuring that funds are expended on information technology designed to be readily adaptable for nonvisual access"

7. Page 1, line 28.

**Following:** "all"

**Insert:** "state"

8. Page 1, line 28 through line 29.

**Following:** "activities"

**Strike:** "that" on line 28 through "funds" on line 29

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

9. Page 2, line 1.

**Strike:** "advanced"

**Insert:** "information"

10. Page 2, line 1 through line 2.

**Strike:** "or state-assisted" on line 1 through "organizations" on line 2

11. Page 2, line 8.

**Strike:** "6"

**Insert:** "5"

12. Page 2, line 18.

**Strike:** line 18 in its entirety

**Renumber:** subsequent subsections

13. Page 2.

**Following:** line 21

**Insert:** "(5) 'Readily adaptable' means that all critical components of information may be rendered by the information technology in equivalent nonvisual formats and that the installation or operation of software or hardware adaptations for speech, Braille, or other nonvisual formats do not require extraordinary alterations to the information technology."

14. Page 2, line 22 through 25.

**Strike:** line 22 through line 25 in their entirety

**Insert:** "(6) 'State agency' means a department, board, commission, office, bureau, institution, university system entity, or unit of state government recognized in the state budget."

15. Page 2.

**Following:** line 27

**Insert:** "(8) 'Undue burden' means compliance may be accomplished only by incurring an undue financial or administrative burden or by fundamentally altering a program or activity."

16. Page 2, line 29 through page 3, line 1.

**Strike:** "In general" on page 2, line 29 through "public" on page 3, line 1

**Insert:** "When information technology equipment and software are procured for use by employees, program participants, or members of the public, the state agency head shall ensure that the equipment or software"

17. Page 3, line 2.

**Strike:** "provide"

**Insert:** "provides"

18. Page 3, line 5.

**Strike:** "are"

**Insert:** "is"

19. Page 3, line 7.

**Strike:** "have"

**Insert:** "has"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

20. Page 3, line 12.

**Following:** "The"

**Insert:** "access"

**Following:** "clause"

**Insert:** "and the nondiscrimination language required in 49-3-207"

21. Page 3, line 13.

**Strike:** "covered entities"

**Insert:** "state agencies"

22. Page 3, line 18.

**Strike:** "achievable by"

**Insert:** "adaptable to"

23. Page 3, line 20.

**Following:** "interact"

**Insert:** "or exchange electronic information"

24. Page 3, line 28 through line 29.

**Strike:** "covered entity:" on line 28 through "(a)" on line 29

**Insert:** "state agency"

25. Page 4, line 2.

**Strike:** ";

**Insert:** "."

26. Page 4, line 3 through line 8.

**Strike:** line 3 through line 8 in their entirety

27. Page 4, line 15.

**Strike:** "6"

**Insert:** "5"

28. Page 4, line 18.

**Insert:** "(5) Until July 1, 2003, a state agency may be exempted from the requirements of [section 4] if the cost would cause the state agency's budget to exceed legislative appropriations.

(6) A state agency may be exempted from the provisions of [sections 1 through 5] if the state agency can show that compliance would result in an undue burden."

29. Page 4, line 19 through line 23.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

30. Page 4, line 25.

**Strike:** "6"

**Insert:** "5"

31. Page 4, line 27.

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

**Strike:** "6"

**Insert:** "5"

And, as amended, do pass. Report adopted.

**SB 235**, be concurred in. Report adopted.

**SJR 5**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/8/2001

**SB 111**, introduced by Ellis

**SB 141**, introduced by Stonington

**SB 281**, introduced by Mahlum

**MESSAGES FROM THE GOVERNOR**

February 9, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 25** sponsored by Representative Sliter, **House Bill 34** sponsored by Representative Gallik, and **House Bill 45** sponsored by Representative Witt on February 9, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committee:

**HB 524**, introduced by Keane, Forrester, Harrington, referred to Transportation.

**HB 525**, introduced by Kasten, Beck, Brueggeman, Cobb, Davies, Forrester, Keenan, Lewis, McCann, McGee, Mood, Pattison, Sliter, F. Thomas, Vick, Wells, Witt, referred to Appropriations.

**HB 526**, introduced by Branae, Berry, Bohlinger, Christiaens, Cocchiarella, Dell, Forrester, Harrington, Jacobson, Juneau, Kaufmann, Keane, Lawson, Lindeen, Mangan, Matthews, McCarthy, Newman, Shea, F. Thomas, Toole, Tropila, Wanzenried, Witt, referred to Appropriations.

**HB 527**, introduced by Gillan, Bishop, Doherty, Golie, Halligan, Harrington, Jergeson, Mangan, Roush, Wanzenried,

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

referred to State Administration.

**HB 528**, introduced by Story, referred to State Administration.

**HB 529**, introduced by Pattison, Bales, Brueggeman, Clancy, Cocchiarella, Devlin, Jackson, Kasten, Kitzenberg, Matthews, McCann, McKenney, Mohl, Mood, Musgrove, Olson, Ripley, Roush, Sliter, Steinbeisser, Story, B. Thomas, Tropila, Waitschies, Whitaker, Wolery, referred to Transportation.

**HB 530**, introduced by Kasten, referred to Business and Labor.

**HB 531**, introduced by Waitschies, Adams, Bales, Kitzenberg, Pattison, Price, Smith, referred to Agriculture.

**HB 532**, introduced by Kaufmann, Haines, referred to Natural Resources.

**HB 533**, introduced by Vick, Keenan, referred to Appropriations.

**HB 534**, introduced by Raser, Newman, Fritz, referred to Taxation.

**HB 535**, introduced by Harris, Carney, P. Clark, Doherty, Fritz, Gutsche, Laslovich, Newman, Raser, Stonington, Wanzenried, referred to Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Story in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 146** - Representative Sliter moved consideration of **HB 146** be passed for the day. Motion carried.

**HB 351** - Representative Olson moved **HB 351** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Harris, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Devlin, Mood.

Total 2

**HB 379** - Representative Galvin-Halcro moved **HB 379** do pass.

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

**HB 379** - Representative Galvin-Halcro moved **HB 379**, second reading copy, be amended as follows :

1. Title, page 1, line 5.

**Strike:** "PROVIDE"

2. Title, page 1, line 7.

**Following:** "~~PENALTY~~"

**Insert:** "ADOPT A POLICY GENERALLY PROVIDING FOR"

3. Title, page 1, lines 7 and 8.

**Following:** "PERIODS"

**Strike:** remainder of line 7 through "PERIOD" on line 8

4. Title, page 1, line 9.

**Following:** "MINUTES"

**Insert:** "EVERY 4 HOURS"

5. Page 1, line 16.

**Following:** "AN"

**Insert:** "employer shall adopt a policy or procedure providing that whenever feasible, given the reasonable demands of the employer's operation, an"

**Following:** "EMPLOYEE"

6. Page 1, line 17.

**Following:** "PERIOD OF"

**Strike:** "NOT LESS THAN"

**Insert:** "at least"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Brueggeman.

Total 1

Excused: Harris, Tramelli.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

Motion that **HB 379**, as amended, do pass carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Olson, Price, Raser, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.  
Total 52

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Dale, Davies, Dell, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 48

Voted Absentee: Harris, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 437** - Representative Jacobson moved **HB 437** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 80

Noes: Adams, Balyeat, R. Brown, Brueggeman, Curtiss, Fisher, Himmelberger, Jackson, Kasten, Laszloffy, Lehman, McCann, Olson, Pattison, Rice, Sliter, Steinbeisser, Vick, Waitschies, Mr. Speaker.  
Total 20

Voted Absentee: Harris, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 27** - Representative Musgrove moved **HB 27** do pass. Motion carried as follows:

Ayes: Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Callahan, Carney, Clancy, Curtiss, Cyr, Dale,

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 71

Noes: Adams, Andersen, Bales, Barrett, Bixby, Brueggeman, Buzzas, E. Clark, P. Clark, Davies, Devlin, Fisher, Gutsche, Jayne, Jent, Juneau, Kasten, Kaufmann, Masolo, Mood, Pattison, Rice, Ripley, Shockley, Sliter, Steinbeisser, Story, Vick, Mr. Speaker.

Total 29

Voted Absentee: Harris, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Fuchs, Jent.

Total 2

Excused: Harris, Tramelli.

Total 2

Absent or not voting: Andersen, Bales, Bookout-Reinicke, P. Clark, Cyr, Davies, Laszloffy, Wolery.

Total 8

**MOTIONS**

Representative Golie requested on **HJR 11**, third reading yesterday, that Representative Tramelli's vote be shown as yes. There being no objections, so ordered.

Representative Keane requested on **HB 351**, second reading today, that his vote be shown as yes. There being no



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

objections, so ordered.

Representative Musgrove requested on **HB 27**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Olson requested on **HB 351**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Lee requested on **HB 379**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Majority Leader Sliter moved that the House recess until 2:30 p.m., Friday, February 9, 2001. Motion carried.

House recessed at 2:02 p.m.

House reconvened at 2:30 p.m. All members present, except Representatives Harris and Tramelli, excused. Quorum present.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 156** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Jayne, Vick, Waitschies, Whitaker.

Total 4

Voted Absentee: Harris, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Dale, McCann, McKenney, Tropila.

Total 4

**REPORTS OF STANDING COMMITTEES**

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

**EDUCATION** (Masolo, Chairman): 2/5/2001  
**HB 321**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman): 2/9/2001  
**HJR 16**, be adopted. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 2/9/2001  
**HB 62**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman): 2/9/2001  
**HB 443**, introduced bill, be amended as follows:

1. Page 5, line 12.

**Strike:** "\$7.50"

**Insert:** "\$3.50"

2. Page 7, following line 22.

Page 8, following lines 3, 14, and 24

Page 9, following line 6

**Insert:** " \_\_\_\_\_  
(Residing at)"

And, as amended, do pass. Report adopted.

**SB 37**, be concurred in. Report adopted.

**MOTIONS**

Representative Lee moved that **HB 222** be taken from the table in the Committee on Human Services and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tropila, Wanzenried.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Excused: Harris, Tramelli.

Total 2

Absent or not voting: None.

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 9, 2001

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, February 10, 2001. Motion carried.

House adjourned at 2:47 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 10, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Rome. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, and Tramelli, excused. Quorum present.

Mr. Speaker introduced the honorary pages for the week:

Tyler McCann, Harlem  
William Wangen, Helena

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/10/2001  
Correctly printed: **HB 62, HB 125, HB 159, HB 209, HB 239, HB 321, HB 331, HB 424, HB 443, HB 463, HB 477, HB 493, HJR 16, SB 37, SB 106, SB 235, SJR 5.**

Correctly engrossed: **HB 27, HB 351, HB 437.**

Signed by the Speaker at 4:35 p.m., February 9, 2001: **HB 22, HB 50, HB 93, HB 180.**

Delivered to the Governor for her approval at 10:00 a.m., February 10, 2001: **HB 99, HB 194.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 2/9/2001  
**HJR 13**, be adopted. Report adopted.  
**HJR 14**, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman): 2/9/2001  
**HB 390**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "defense"

**Insert:** "asserted"

2. Page 1, line 19.

**Strike:** "from" through "asserted"

And, as amended, do pass. Report adopted.

**HB 405**, introduced bill, be amended as follows:

1. Page 4, line 26.

**Following:** "program"

**Insert:** ", including a program operated by a private, nonprofit organization,"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

**HB 434**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "OFFENSE"

**Insert:** "AND DESIGNATED AS A LEVEL 3 OFFENDER"

2. Title, page 1, line 7.

**Strike:** "CHURCH,"

3. Page 1, line 14.

**Following:** the first "offense"

**Insert:** "and designated as a level 3 offender under 46-23-509"

4. Page 1, line 16.

**Strike:** "church,"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

2/9/2001

**HJR 15**, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

2/9/2001

**SB 242**, introduced by O'Neil

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 536**, introduced by Somerville, Bohlinger, Buzzas, Ellingson, Elliott, Galvin-Halcro, Haines, Hargrove, Jacobson, Kitzenberg, Masolo, Newman, Noennig, Sprague, B. Thomas, F. Thomas, referred to Appropriations.

**HB 537**, introduced by Sliter, referred to Business and Labor.

**HB 538**, introduced by P. Clark, Bishop, Facey, Ripley, referred to Fish, Wildlife and Parks.

**HB 539**, introduced by Mangan, referred to Business and Labor.

**HB 540**, introduced by Branae, Carney, Dell, Gillan, Hurdle, Laslovich, Lee, Lindeen, Musgrove, Schmidt, referred to Human Services.

**HB 541**, introduced by Wolery, referred to Agriculture.

**HB 542**, introduced by Musgrove (by request of the State Auditor), referred to Business and Labor.

**HB 543**, introduced by R. Brown, Beck, Clancy, Dale, Forrester, Kasten, McGee, McNutt, Mood, A. Peterson, Sliter, Wolery, referred to Natural Resources.

**HB 544**, introduced by Somerville, Beck, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Doherty, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gillan, Golie, Halligan, Harrington, Harris, Kitzenberg, Laible, Lawson, Lenhart, Mangan, Mohl, Newman, Shea, F. Thomas, Waitschies, referred to Transportation.

**HB 545**, introduced by Gallik, referred to Judiciary.

**HB 546**, introduced by Gallik, referred to Judiciary.

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

**HB 547**, introduced by Davies, Adams, Kasten, Pattison, Shockley, Walters, referred to State Administration.

**HB 548**, introduced by Jayne, Facey, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 25**, introduced by Haines, referred to Agriculture.

**HJR 26**, introduced by Davies, Adams, Kasten, Pattison, Walters, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Younkin moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 126** - Representative Younkin moved **HB 126** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Buzzas, Gallus.

Total 2

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 281** - Representative Lindeen moved **HB 281** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 294** - Representative Lewis moved **HB 294** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Kasten, Story.

Total 2

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Ripley, Witt.

Total 2

**HB 346** - Representative Schrumpf moved **HB 346** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: Buzzas, Gallus, Mr. Speaker.

Total 3

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 359** - Representative P. Clark moved **HB 359** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: R. Brown, Jayne.

Total 2

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 368** - Representative Hedges moved **HB 368** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich,



HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Gallus, Laible, McCann, Vick.

Total 4

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McKenney, Pattison, A. Peterson, Tramelli, Ayes; McCann, No.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**HB 393** - Representative Mangan moved **HB 393** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 402** - Representative Mangan moved **HB 402** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**HB 411** - Representative Harris moved HB 411 do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Pattison.

Total 1

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, A. Peterson, Tramelli, Ayes; Pattison, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 412** - Representative Wolery moved **HB 412** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman,

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Gallus, Lawson, Steinbeisser.

Total 4

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 444** - Representative Jent expressed a conflict of interest and abstained from voting.

**HB 444** - Representative Somerville moved **HB 444** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, Price, Raser, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Younkin.

Total 70

Noes: Bales, Balyeat, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Fisher, Fuchs, Haines, Hedges, Himmelberger, Kasten, Laible, Masolo, Olson, K. Peterson, Rice, Ripley, Rome, Steinbeisser, Vick, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 29

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: Jent.

Total 1

Absent or not voting: None.

Total 0

**HB 458** - Representative Barrett moved **HB 458** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp,

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Bales, Barrett, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Buzzas, Gallus.

Total 2

Excused: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli.

Total 13

Absent or not voting: Balyeat, Erickson, Schruppf.

Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

**HB 27** passed as follows:

Ayes: Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 74

Noes: Adams, Andersen, Bales, Brueggeman, Clancy, E. Clark, P. Clark, Davies, Devlin, Fisher, Gutsche, Hedges, Jayne, Jent, Kasten, Kaufmann, Masolo, Pattison, Rice, Ripley, Shockley, Sliter, Steinbeisser, Story, Vick, Mr. Speaker.

Total 26

Voted Absentee: Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, A. Peterson, Tramelli, Ayes; Adams, Pattison, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 306** passed as follows:

Ayes: Adams, Balyeat, R. Brown, Brueggeman, Callahan, Carney, Clancy, P. Clark, Curtiss, Dale, Davies, Esp, Facey, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Pattison, A. Peterson, Price, Raser, Rice, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Noes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, E. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Olson, K. Peterson, Ripley, Schmidt, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Wanzenried.

Total 46

Voted Absentee: Adams, Forrester, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Ayes; Bixby, Eggers, Harris, Juneau, Tramelli, Noes.

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**HB 351** passed as follows:

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Bitney, Bixby, Eggers, Forrester, Harris, Juneau, Laszloffy, McCann, McKenney, Pattison, A. Peterson, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 437** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 79

Noes: Adams, Balyeat, R. Brown, Davies, Esp, Fisher, Hedges, Himmelberger, Jackson, Kasten, Laszloffy, Lehman, Masolo, Mood, Pattison, Rice, Steinbeisser, Vick, Waitschies, Mr. Speaker.

Total 20

Voted Absentee: Bitney, Bixby, Eggers, Forrester, Harris, Juneau, McCann, McKenney, A. Peterson, Tramelli, Ayes; Adams, Laszloffy, Pattison, Noes.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**MOTIONS**

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 10, 2001

Representative Sliter moved on **HB 306** that Representatives Gallus and Golie's name be removed from the cosponsors' list. Motion carried.

Representative Newman requested on **HB 346**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Anderson requested on **HB 156**, third reading yesterday, that her vote be shown as yes. There being no objections, so ordered.

Representative Dale requested on **HB 458**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Waitschies requested on **HB 156**, third reading yesterday, that his vote be shown as no. There being no objections, so ordered.

Representative Barrett requested on **HB 412**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Sliter moved that **HB 519** be taken from the Committee on Taxation and rereferred to the Committee on Business and Labor. Motion carried.

Representative Somerville requested on **HB 444**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Mr. Speaker requested on **HB 359**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Monday, February 12, 2001. Motion carried.

House adjourned at 9:28 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 12, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roy Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney and A. Peterson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/12/2001

Correctly printed: **HB 390, HB 405, HB 434, HJR 13, HJR 14, HJR 15.**

Correctly engrossed: **HB 126, HB 281, HB 294, HB 346, HB 359, HB 368, HB 379, HB 393, HB 402, HB 411, HB 412, HB 444, HB 458.**

Delivered to the Governor for her approval at 2:50 p.m., February 12, 2001: **HB 22, HB 50, HB 93, HB 180.**

**HUMAN SERVICES** (Thomas, Chairman): 2/12/2001

**HB 395**, introduced bill, be amended as follows:

1. Page 1, line 22.  
**Strike:** "\$171,959"  
**Insert:** "\$119,683"

And, as amended, do pass. Report adopted.

**HJR 17**, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman): 2/9/2001

**HB 219**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.  
**Strike:** "PROVIDING" on line 6 through "DRIVER;"  
on line 7  
**Strike:** "45-6-301," on line 7

2. Title, page 1, line 8.  
**Following:** "61-5-205"  
**Strike:** ", "

3. Page 1, line 12 through page 3, line 5.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

4. Page 3, line 26.  
**Strike:** "misdemeanor"  
**Strike:** "punishable"



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

**Strike:** "45-6-301(9)"

**Insert:** "45-6-301 "

5. Page 3, line 27.

**Following:** "final"

**Insert:** "if the theft consisted of theft of motor vehicle fuel and a motor vehicle was used in the commission of the offense. The suspension must be for 30 days for a first offense, 6 months for a second offense, and 1 year for a third or subsequent offense"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/12/2001

**HB 421**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "MAY NOT BE USED"

**Insert:** "BY THE CONDEMNOR"

2. Page 1, line 16.

**Following:** "condemned properly"

**Insert:** "is taken in fee simple title or"

3. Page 1, line 17.

**Following:** "may not be used"

**Insert:** "by the condemnor"

And, as amended, do pass. Report adopted.

**HB 462**, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/12/2001

**HB 392**, do pass. Report adopted.

**HB 430**, introduced bill, be amended as follows:

1. Page 2, line 13.

**Following:** "(4)"

**Insert:** "(a)"

2. Page 2, lines 14 and 15.

**Strike:** "\$1 million" on line 14 through "occurrence" on line 15

**Insert:** "\$750,000 for each claim and \$1.5 million for each occurrence, as provided in 2-9-108"

3. Page 2.

**Following:** line 15

**Insert:** "(b) Claims and actions against the sponsor are subject to and are governed by Title 2, chapter 9, part 3."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/10/2001

**SB 80**, introduced by Mahlum  
**SB 260**, introduced by Mahlum  
**SB 337**, introduced by Berry  
**SB 342**, introduced by Berry

Senate joint resolutions passed and transmitted to the House for concurrence: 2/10/2001

**SJR 9**, introduced by Cocchiarella  
**SJR 10**, introduced by Kitzenberg

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 549**, introduced by Gutsche, Bixby, Buzzas, Carney, Cobb, Franklin, Galvin-Halcro, Gillan, Harris, Hurdle, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, McCarthy, Newman, A. Peterson, Raser, Schmidt, Stonington, Waddill, Wanzenried, referred to Human Services.

**HB 550**, introduced by Gutsche, Bohlinger, P. Clark, Cobb, Ellingson, Facey, Waddill, Wanzenried, referred to Taxation.

**HB 551**, introduced by Forrester, referred to Business and Labor.

**HB 552**, introduced by Shockley, referred to Judiciary.

**HB 553**, introduced by Raser, referred to Human Services.

**HB 554**, introduced by Sliter, F. Thomas, referred to Fish, Wildlife and Parks.

**HB 555**, introduced by Balyeat, Adams, Butcher, Curtiss, Dale, Davies, Fuchs, Haines, Jackson, Kasten, Laible, McGee, A. Peterson, Rome, Steinbeisser, Vick, Walters, Wells, Whitaker, referred to Taxation.

**HB 556**, introduced by Esp, Bales, D. Brown, Dale, Devlin, Ellis, Fuchs, Grosfield, Hedges, Jent, Kasten, Lehman, Lewis, Mangan, Masolo, Mood, Pattison, Rice, Ripley, Schrumpf, Somerville, Story, Tash, B. Thomas, Waitschies, Witt, Wolery, Younkin, Zook, referred to Agriculture.

**HB 557**, introduced by Facey, Erickson, Galvin-Halcro, Gutsche, Harrington, referred to Education.

**HB 558**, introduced by Raser, Schrumpf, referred to Education.

**HB 559**, introduced by Noennig, Bitney, Christiaens, R. Holden, Laible, Miller, Whitaker, referred to Business and Labor.

**HB 560**, introduced by Noennig, Shockley, referred to Judiciary.

**HB 561**, introduced by Schmidt, Forrester, Gillan, referred to Taxation.

**HB 562**, introduced by Forrester, referred to Appropriations.

The following House joint resolutions were introduced, read first time, and referred to committee:

**HJR 23**, introduced by Wanzenried, Bookout-Reinicke, Dell, Grosfield, Keane, Lewis, Lindeen, Schrumpf, referred to Transportation.

**HJR 24**, introduced by Wanzenried, Raser, Waddill, referred to Local Government.

Majority Leader Sliter moved that the House recess until 12:40 p.m. Motion carried.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

House recessed at 12:08 p.m.

House reconvened at 12:40 p.m. All members present, except Representatives Bitney and A. Peterson, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Sliter moved consideration of **HB 146** and **HB 376** be passed for the day. Motion carried.

**HB 131** - Representative Somerville moved **HB 131** do pass.

**HB 131** - Representative Somerville moved **HB 131**, second reading copy, be amended as follows :

1. Page 3, lines 1 and 2.

**Strike:** ", at sites designated by the department of transportation,"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Barrett, E. Clark, Devlin, Laslovich, Pattison, Rice, Smith.  
Total 7

Excused: Bitney, A. Peterson.  
Total 2

Absent or not voting: Balyeat, Lee, Mood, Vick.  
Total 4

Representative A. Peterson present at this time.

Motion that **HB 131**, as amended, do pass failed as follows:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

Ayes: Bitney, Bookout-Reinicke, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Harris, Hedges, Jackson, Jent, Keane, Lawson, Lee, Lewis, Matthews, McKenney, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waitschies, Wanzenried, Whitaker, Wolery, Younkin.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gutsche, Haines, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Mangan, Masolo, McCann, Mood, Musgrove, Olson, Pattison, K. Peterson, Rice, Ripley, Schrumpf, Shockley, Smith, Story, Vick, Waddill, Walters, Witt, Mr. Speaker.

Total 57

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 186** - Representative L. Holden moved **HB 186** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Davies, Devlin, Esp, Forrester, Fritz, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Dale, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallik, Gillan, Golie, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lee, A. Peterson, K. Peterson, Raser, Schmidt, Tramelli, Vick, Waddill.

Total 32

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

**HB 201** - Representative Davies moved **HB 201** do pass.

**HB 201** - Representative Davies moved **HB 201**, second reading copy, be amended as follows :

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

1. Title, line 6.

**Following:** "~~PENALTY~~;" on line 6

**Insert:** "PROVIDING A PENALTY;"

2. Page 2, line 28.

**Strike:** "A"

**Insert:** "Except as provided in subsection (8)(c), a"

3. Page 3.

**Following:** line 4

**Insert:** "(c) A person convicted of the offense of theft of property exceeding \$1,000 in value by embezzlement shall be fined an amount not to exceed \$50,000 or be imprisoned in a state prison for a term of not less than 1 year or more than 10 years, or both."

Amendment **not** adopted as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Lewis, Masolo, Matthews, McKenney, Mood, Olson, A. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Thomas, Tropila, Walters, Whitaker, Mr. Speaker.

Total 40

Noes: Andersen, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, Pattison, K. Peterson, Price, Raser, Schmidt, Shockley, Smith, Steinbeisser, Story, Tramelli, Vick, Waddill, Waitschies, Wanzenried, Witt, Wolery, Younkin.

Total 59

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 201**, do pass carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Forrester, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Laslovich, Laszloffy, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schrumpf, Somerville, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.

Total 58

Noes: Adams, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Lawson, Lenhart, Mood, Price, Schmidt, Shockley, Sliter, Smith, Steinbeisser, Story, Tramelli, Wanzenried, Witt, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

Total 41

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**HB 213** - Representative Newman moved **HB 213** do pass.

**HB 213** - Representative Newman moved **HB 213**, second reading copy, be amended as follows :

1. Page 4, line 22.

**Strike:** "and criminal"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bitney.

Total 1

Absent or not voting: Forrester, Haines, Waddill.

Total 3

**HB 213** - Representative Shockley moved **HB 213**, second reading copy, be further amended as follows :

1. Page 3, line 11.

**Strike:** "there is probable cause to believe that"

2. Page 3, line 14.

**Strike:** "constitutes probable cause to believe"

**Insert:** "is sufficient evidence"

3. Page 3, line 19.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

**Following:** "information"

**Insert:** "provided by government agencies of any state"

**Strike:** "there is probable cause to believe that"

Amendment **not** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 48

Noes: Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Newman, K. Peterson, Raser, Schmidt, Sliter, Somerville, Steinbeisser, Tramelli, Waddill, Wanzenried, Wolery, Younkin.

Total 50

Excused: Bitney.

Total 1

Absent or not voting: Davies.

Total 1

Motion that **HB 213**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Raser, Ripley, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 79

Noes: Adams, Curtiss, Davies, Haines, Hedges, Holden, Kasten, Laible, Laszloffy, Pattison, A. Peterson, Price, Rice, Rome, Shockley, Smith, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 21

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

**HB 292** - Representative Fuchs moved **HB 292** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Masolo, McCann, Smith, Vick.

Total 4

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 320** - Representative Laible moved **HB 320** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.

Total 34

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Rome.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Bixby, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Galvin-Halcro, Golie, Gutsche, Juneau, Raser, Schmidt, Wanzenried.

Total 15

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 126** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Schrumpf, Smith.

Total 2

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

**HB 281** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 294** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Kasten, Steinbeisser, Story.

Total 3

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 346** passed as follows:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Cyr.

Total 1

**HB 359** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: R. Brown, Jayne.

Total 2

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**HB 368** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Kasten.

Total 1

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 393** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

**HB 402** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Walters.

Total 1

**HB 411** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**HB 412** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

Total 96

Noes: Balyeat, Lawson, Steinbeisser.

Total 3

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**HB 458** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat.

Total 1

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/9/2001

**HB 499**, do pass. Report adopted.

**HB 500**, introduced bill, be amended as follows:

1. Page 3, line 27.

**Following:** "of"

**Insert:** "construction"

**Following:** "employers"

**Insert:** "and the biennial survey of nonconstruction service employers"

And, as amended, do pass. Report adopted.

**HB 504**, introduced bill, be amended as follows:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

1. Page 2, line 12.

**Following:** "request"

**Insert:** "from domestic insurers"

2. Page 2.

**Following:** line 13

**Insert:** "(a) insurers provided for in Title 33, chapter 3;"

**Renumber:** subsequent subsections

3. Page 5, line 1.

**Following:** "¿"

**Insert:** "A service contract does not include motor club service as defined in 61-12-301."

4. Page 47, line 16.

**Following:** "and"

**Insert:** "and"

5. Page 47, line 18.

**Strike:** "¿"

**Following:** "or"

**Insert:** "is licensed or approved by the state where the facility is located."

6. Page 47, line 19.

**Strike:** "subsection (c)" in its entirety

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/12/2001

**HB 315**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 9.

**Strike:** "EXPANDING" on line 6 through "RESULT OF" on line 9

**Insert:** "CHANGING THE FINE AND IMPRISONMENT PENALTIES FOR"

**Following:** "CRIME;" on line 9

**Insert:** "EXPANDING THE LIST OF EXEMPT ACTIVITIES AND PRACTICES;"

2. Page 1, line 14.

**Strike:** "this part"

**Insert:** "45-8-210, 45-8-211, and [section 2]"

3. Page 1, line 25 through page 2, line 12.

**Strike:** "under court-imposed" on page 1, line 25 through "health" on page 2, line 12

4. Page 2, line 14 through page 4, line 6.

**Strike:** section 3 in its entirety

**Insert:** "Section 3. Section 45-8-211, MCA, is amended to read:

**"45-8-211. Cruelty to animals -- ~~exception~~ exceptions.** (1) A person commits the offense of cruelty to animals if without justification the person knowingly or negligently subjects an animal to mistreatment or neglect by:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

- (a) ~~overworking~~, beating, tormenting, injuring, or killing ~~any~~ the animal;
  - (b) carrying or confining ~~any~~ the animal in a cruel manner;
  - (c) failing to provide an animal in the person's custody with:
    - (i) proper food, drink, or shelter; or
    - (ii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;
  - (d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or
  - (e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.
- (2) (a) A person convicted of the offense of cruelty to animals shall be fined not to exceed \$500 ~~or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a second or subsequent offense of cruelty to animals shall be fined not to exceed \$1,000 or be imprisoned~~ incarcerated in the state prison county jail for a term not to exceed ~~2 years~~ 1 year, or both.
- (b) If the convicted person is the owner, the person may be required to forfeit any animal affected to the county in which the person is convicted ~~any animal affected~~. This provision does not affect the interest of any secured party or other person who has not participated in the offense.
- (3) In addition to the sentence provided in subsection (2), the court ~~may~~:
- (a) ~~shall~~ require the defendant to pay ~~all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected~~ reimbursement to a person, including a local humane society, a person providing veterinary services, a county or municipal pound or animal shelter, or a law enforcement agency or officer, for any financial loss or investigative costs suffered as a result of the crime; and
- (b) may prohibit or limit the defendant's ownership, possession, or custody of animals, as the court believes appropriate during the term of the sentence.
- (4) A monetary award of the court under subsection (3) constitutes a judgment enforceable under Title 25 by the party in whose favor the award is entered.
- ~~(4)(5) Nothing in this section prohibits~~ The following are exempt from this section unless gross negligence is shown:
- (a) a person ~~from~~ humanely destroying an animal for just cause; ~~or~~
  - (b) the use of commonly accepted agricultural and livestock practices on livestock;
  - (c) rodeo activities;
  - (d) lawful fishing, hunting, and trapping activities;
  - (e) lawful wildlife management practices;
  - (f) lawful scientific or agricultural research or teaching that involves the use of animals;
  - (g) services performed by a licensed veterinarian; or
  - (h) lawful control of rodents and predators and other lawful animal damage control activities, including but not limited to poisoning, trapping, and shooting."

5. Page 4, line 9.

**Following:** "provisions of Title 45"

**Strike:** ", chapter 8, part 2,"

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Erickson requested on **HB 186**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2001

Representative Newman moved that **HB 233** be taken from the table in the Committee on Judiciary and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 47

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 52

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Tuesday, February 13, 2001. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 13, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ripley. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the pages of the week:

Jyleah Ricci, Livingston  
Matt Larson, Polson  
Jenny Palmer, Missoula  
Katie Yother, Miles City  
Virgil Mad Plume, Browning  
Emilyn Anderson, Great Falls  
Mike Corr, Missoula  
Tara Blakely, Livingston

Mr. Speaker introduced the honorary pages of the week:

Chelsea McCann, Harlem  
Tasha Johnson, Chinook

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/13/2001  
Correctly printed: **HB 219, HB 315, HB 392, HB 395, HB 421, HB 430, HB 462, HB 499, HB 500, HB 504,**  
**HJR 17.**

Correctly engrossed: **HB 186, HB 201, HB 213, HB 292, HB 320.**

**EDUCATION** (Masolo, Chairman): 2/13/2001  
**HB 505**, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 2/13/2001  
**HB 344**, do pass. Report adopted.

**TAXATION** (Story, Chairman): 2/13/2001  
**HB 247**, do pass. Report adopted.  
**SB 133**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence: 2/12/2001

**SB 33**, introduced by McCarthy

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

House bills concurred in and returned to the House:

2/12/2001

**HB 23**, introduced by R. Erickson

**HB 37**, introduced by Witt

**HB 220**, introduced by Lawson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 563**, introduced by P. Clark, referred to Judiciary.

**HB 564**, introduced by Olson, referred to Business and Labor.

**HB 565**, introduced by Erickson, referred to State Administration.

**HB 566**, introduced by Laslovich, Carney, Gallus, Lee, Rome, Whitaker, referred to Human Services.

**HB 567**, introduced by Lindeen, referred to Federal Relations, Energy, and Telecommunications.

**HB 568**, introduced by Jayne, Kaufmann, referred to State Administration.

**HB 569**, introduced by Esp, referred to Fish, Wildlife and Parks.

**HB 570**, introduced by Shockley, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 434** - Representative Sliter moved consideration of **HB 434** be passed for the day. Motion carried.

**HB 363** - Representative Wanzenried moved **HB 363** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Adams, R. Brown, Brueggeman, Dale, Davies, Dell, Golie, Kasten, Laszloffy, McCann, Mood, Rice, Schrumpf, Tramelli, Vick.

Total 15

Excused: None.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 389** - Representative Lawson moved **HB 389** do pass. Motion failed as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Mangan, Matthews, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Walters, Whitaker, Wolery.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Schrumpf, Shockley, Somerville, Story, Vick, Waddill, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 399** - Representative McKenney moved **HB 399** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Esp, Kasten, McCann, Pattison, Somerville, Vick, Waddill.

Total 8

Excused: None.

Total 0

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Absent or not voting: None.  
Total 0

**HJR 9** - Representative Lindeen moved **HJR 9** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Adams.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 262** - Representative Walters moved **HB 262** do pass.

**HB 262** - Representative Walters moved **HB 262**, second reading copy, be amended as follows :

1. Page 3, line 13.

**Following:** line 12

**Insert:** "The steps must include, at a minimum:

(a) the use of software programs designed to block access to material that is reasonably believed to be child pornography, material obscene to minors, or obscenity; or

(b) the selection of an internet service provider whose service is designed to block access to material that is reasonably believed to be child pornography, material obscene to minors, or obscenity."

2. Page 3, line 19.

**Insert:** "NEW SECTION. Section 6. Contingent voidness. If at least \$847,476 is not appropriated during the 2001 regular session to fund [section 4(2)(a) and (2)(b)], then [section 4(2)(a) and (2)(b)] is void."

Amendment **not** adopted as follows:

Ayes: Adams, Bales, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Fuchs, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lehman, Lewis, Mood, Price, Rome, Schrumpf, Shockley, Sliter, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Total 34

Noes: Andersen, Barrett, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Schmidt, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Wanzenried, Wolery, Younkin.

Total 66

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 262**, do pass failed as follows:

Ayes: Adams, Bales, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Dell, Esp, Fisher, Fuchs, Gallik, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Walters, Wolery, Younkin, Mr. Speaker.

Total 44

Noes: Andersen, Barrett, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Olson, Raser, Ripley, Schmidt, Smith, Somerville, Story, Tramelli, Tropila, Wanzenried, Whitaker, Witt.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 33** - Representative Younkin moved **HB 33** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo,

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Facey, Gallik, Tropila.

Total 3

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 401** - Representative Lee moved **HB 401** do pass. Motion failed as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Curtiss, Dale, Devlin, Eggers, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Hedges, Jacobson, Juneau, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Masolo, Matthews, Mood, Olson, A. Peterson, Raser, Rome, Schmidt, Schrumpf, Sliter, Somerville, Thomas, Tramelli, Wanzenried, Witt, Wolery, Mr. Speaker.

Total 48

Noes: Adams, Bales, Balyeat, Bitney, R. Brown, Clancy, E. Clark, P. Clark, Cyr, Davies, Dell, Erickson, Esp, Fisher, Gallik, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jayne, Jent, Kasten, Kaufmann, Laible, Laszloffy, Lehman, Lewis, Mangan, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, K. Peterson, Price, Rice, Ripley, Shockley, Smith, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Younkin.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 57** - Representative Erickson moved **HB 57** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried,

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Brueggeman, E. Clark, Esp, Holden, Lewis, McKenney, Rice, Rome, Somerville,  
Steinbeisser, Story, Walters.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Erickson, Masolo.  
Total 2

**HB 273** - Representative Erickson moved **HB 273** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae,  
D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell,  
Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie,  
Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne,  
Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen,  
Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson,  
Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville,  
Steinbeisser, Story, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt,  
Wolery, Younkin.  
Total 82

Noes: Brueggeman, E. Clark, Davies, Esp, Fisher, Kasten, Laszloffy, Lewis, McCann,  
McKenney, Mood, Pattison, Rome, Thomas, Vick, Walters, Mr. Speaker.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 432** - Representative Balyeat moved **HB 432** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae,  
D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr,  
Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs,  
Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger,  
Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,  
Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews,  
McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K.  
Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith,  
Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters,  
Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Total 94

Noes: E. Clark, Haines, Jayne, Lee, Masolo, Thomas.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 125** - Representative Younkin moved **HB 125** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Gallik, Tropila.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 159** - Representative Vick moved **HB 159** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted.

Representative Newman made a substitute motion that **HB 401** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Whitaker, Witt, Wolery, Younkin.  
Total 78

Noes: Bales, Balyeat, E. Clark, Davies, Esp, Gallik, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lawson, McCann, Noennig, Pattison, Ripley, Shockley, Vick, Waitschies, Walters, Wanzenried.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

Majority Leader Sliter moved that the House recess until 2:30 p.m., Tuesday, February 13, 2001. Motion carried.

House recessed at 2:10 p.m.

House reconvened at 2:30 p.m. All members present except Representative Dale. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/13/2001

**HB 489**, do pass. Report adopted.

**HB 490**, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

**TAXATION** (Story, Chairman):

2/13/2001

**HB 143**, introduced bill, be amended as follows:

1. Title, page 1, line 12.

**Following:** "CREDIT;"

**Insert:** "REQUIRING THE DEPARTMENT OF REVENUE TO REVIEW THE TAXATION OF PASS-THROUGH ENTITIES AND REPORT TO THE REVENUE AND TAXATION INTERIM COMMITTEE;"

2. Title, page 1, line 12.

**Following:** "15-30-105,"

**Insert:** "15-30-124,"

3. Title, page 1, line 14.

**Strike:** "AN"

**Insert:** "EFFECTIVE DATES,"

**Following:** "APPLICABILITY"

**Insert:** "DATES, AND A TERMINATION"

4. Page 2, line 18.

**Strike:** "whose" through "purposes"

**Insert:** "that is not a disregarded entity"

5. Page 2.

**Following:** line 19

**Insert:** "(5) "Disregarded entity" means a business entity:

(a) that is disregarded as an entity separate from its owner for federal tax purposes, as provided in United States treasury regulations 301.7701-2 or 301.7701-3, 26 CFR 301.7701-2 or 26 CFR 301.7701-3, or as those regulations may be labeled or amended; or

(b) that is a qualified subchapter S. subsidiary that is not treated as a separate corporation, as provided in section 1361(b)(3) of the Internal Revenue Code (26 U.S.C. 1361(b)(3))."

**Renumber:** subsequent subsections

6. Page 5, line 7 and line 8.

**Strike:** subsection (xiv) in its entirety

**Renumber:** subsequent subsections

7. Page 6, lines 5 and 6.

**Strike:** "an entity" on line 5 through "purposes" on line 6

**Insert:** "a disregarded entity"

8. Page 7, lines 26 and 27.

**Strike:** "an entity" on line 26 through "purposes and" on line 27

**Insert:** "a disregarded entity that"

9. Page 7, line 28.

**Strike:** "an entity" through "purposes"

**Insert:** "a disregarded entity"

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

10. Page 8, line 9.

**Following:** "(2)"

**Insert:** "(a)"

11. Page 8, line 10.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsection

12. Page 8.

**Following:** line 15

**Insert:** "(b) A participant's share of the entity's income is the aggregate of the participant's share of the entity's income, gain, loss, or deduction or item of income, gain, loss, or deduction."

13. Page 8, line 23.

**Following:** "15-30-241"

**Insert:** "computed separately for each participant included in the filing of a composite return"

14. Page 8, line 26.

**Following:** "The"

**Insert:** "composite"

15. Page 8, line 27.

**Strike:** "a Montana individual income tax"

**Insert:** "the entity information"

**Following:** "return."

**Insert:** "The composite return is in lieu of an individual income tax return required under 15-30-142 and 15-30-144."

16. Page 9, line 1.

**Following:** "withholding"

**Insert:** "-- notice"

17. Page 9, line 3.

**Following:** "shall"

**Strike:** ", "

**Insert:** ":

(a)"

18. Page 9, line 5.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "nonresident;"

**Insert:** "or"

19. Page 9, line 6.

**Strike:** "(b)"

**Insert:** "(ii)"

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

20. Page 9, line 7.

**Strike:** "(i)"

**Insert:** "(A)"

**Renumber:** subsequent subsections

21. Page 9, line 10.

**Following:** ";"

**Strike:** "or"

**Insert:** "and"

22. Page 9, line 11.

**Strike:** "(c)"

**Insert:** "(b) within the later of 180 days after the due date, including extensions, for the information return or the date the notice is sent as provided in subsection (2),"

23. Page 9, line 12.

**Strike:** "nonresident individual's"

24. Page 9, line 13.

**Following:** "return"

**Insert:** "of each nonresident individual for whom a composite return or agreement provided in subsection (1)(a) was not filed"

**Following:** " ."

**Insert:** "(2) As soon as practical, but not later than 60 days after the due date, including extensions, for the information return, the department shall send notice to the pass-through entity of the need to comply with subsection (1) and that the pass-through entity may be subject to penalties under 15-30-133. If the department does not send notice, the pass-through entity is not subject to withholding."

**Renumber:** subsequent subsection

25. Page 9, line 15.

**Strike:** "(1)(c)"

**Insert:** "(1)(b)"

**Following:** "considered"

**Insert:** "as a"

**Strike:** "by"

**Insert:** "on the account of"

**Strike:** "on account of"

**Insert:** "for"

26. Page 9.

**Following:** line 16

**Insert:** "(4) A pass-through entity is entitled to recover a payment made pursuant to subsection (1)(b) from the partner, shareholder, manager, member, or other owner on whose behalf the payment was made."

27. Page 9, lines 18 through 27.

**Strike:** section 6 in its entirety

**Insert:** "NEW SECTION. Section 6. Consent or withholding. (1) A pass-through entity that is required to file an information return as provided in 15-30-133 and that has a partner, shareholder, manager, member, or other owner

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

who is a nonresident individual shall, on or before the due date, including extensions, for the information return:

- (a) file a composite return with respect to the individual nonresident;
  - (b) file an agreement of the individual nonresident to:
    - (i) file a return in accordance with the provisions of 15-30-142;
    - (ii) timely pay all taxes imposed with respect to income of the pass-through entity; and
    - (iii) be subject to the personal jurisdiction of the state for the collection of income taxes and related interest, penalties, and fees imposed with respect to the income of the pass-through entity; or
  - (c) remit an amount equal to the highest marginal tax rate in effect under 15-30-103 multiplied by the nonresident individual's share of Montana source income reflected on the pass-through entity's information return.
- (2) Any amount paid by a pass-through entity with respect to a nonresident individual pursuant to subsection (1)(c) must be considered as a payment on the account of the nonresident individual for the income tax imposed on the nonresident individual for the tax year pursuant to 15-30-105.
- (3) A pass-through entity is entitled to recover a payment made pursuant to subsection (1)(c) from the partner, shareholder, manager, member, or other owner on whose behalf the payment was made."

28. Page 10

**Following:** line 20

**Insert:** "Section 8. Section 15-30-124, MCA, is amended to read:

**"15-30-124. Credit allowed resident taxpayers for income taxes imposed by foreign states or countries.**

(1) Subject to the ~~following~~ conditions ~~provided in subsections (2) through (5), residents~~ a resident of this state ~~shall be~~ is allowed a credit against the taxes imposed by this chapter for:

- (a) income taxes imposed by and paid to another state or country on income taxable under this chapter; ~~and~~
- (b) ~~the resident's pro rata share of any income tax imposed by and paid to another state or country by an S. corporation of which the resident is a shareholder.~~

~~(1)(2)~~ (2) The credit ~~shall be~~ is allowed only for taxes paid to ~~such other another~~ another state or country on income derived from sources within ~~such the other state or country which that~~ is taxable under the laws of ~~such the other~~ state or country ~~irrespective regardless~~ of the residence or domicile of the ~~recipient taxpayer~~.

~~(2)(3)~~ (3) The credit ~~shall is~~ is not be allowed if ~~such the other state or country~~ allows residents of this state a credit against the taxes imposed by ~~such the other state or country~~ for taxes paid or payable under this chapter.

~~(3)(4)~~ (4) The allowable credit ~~shall must~~ must be computed by a formula ~~to be~~ prescribed by the department.

(5) For the purposes of the credit under subsection (1)(b):

- (a) "income tax" has the same meaning as provided in Article II of 15-1-601;
- (b) the S. corporation must have made and have in effect on the last day of its tax year a valid election under subchapter S. of Chapter 1 of the Internal Revenue Code; and

(c) the credit applies only to taxes paid by the S. corporation on income taxable under this chapter."

**Renumber:** subsequent sections

29. Page 11, line 6.

**Strike:** "pass-through" through "purposes"

**Insert:** "disregarded entity"

30. Page 11, line 13 through line 17.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) Income realized for federal income tax purposes by a financial institution that has elected to be treated as an S. corporation under subchapter S. of Chapter 1 of the Internal Revenue Code and by its shareholders that is attributable to the financial institution's change from the bad debt reserve method of accounting provided in section 585 of the Internal Revenue Code, 26 U.S.C. 585, is not taxable under Title 15, chapter 30 or 31, to the extent that the aggregate deductions allowed for federal income tax purposes under 26 U.S.C.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

585 exceeded the aggregate deductions that the financial institution is allowed under 15-31-114(1)(b)(i)."

31. Page 12, line 8.

**Strike:** "An" through "purposes"

**Insert:** "A disregarded entity"

32. Page 12, line 15.

**Following:** "(d)"

**Insert:** "(i)"

**Strike:** "A"

**Insert:** "Except as provided in subsection (4)(d)(ii), a"

33. Page 12, line 16.

**Strike:** "\$50"

**Insert:** "\$10"

34. Page 12, line 17.

**Following:** "tax year"

**Insert:** "for each month or fraction of a month, not to exceed 5 months, that the entity fails to file the information return"

**Following:** " \_ "

**Insert:** "The department may waive the penalty imposed by this subsection (4)(d)(i) as provided in 15-1-206."

35. Page 12.

**Following:** line 17

**Insert:** "(ii) The penalty imposed under subsection (4)(d)(i) may not be imposed on a pass-through entity that has 10 or fewer partners, shareholders, managers, members, or other owners each of whom:

(A) is an individual, an estate of a deceased individual, or a C. corporation;

(B) has filed any required return or other report with the department by the due date, including any extension of time, for the return or report; and

(C) has paid all taxes when due."

36. Page 15, line 30.

**Strike:** "whose separate existence is not disregarded"

37. Page 16, line 1.

**Following:** "purposes"

**Insert:** "and that is not a disregarded entity"

38. Page 16, line 26.

**Strike:** "engaged in business"

**Insert:** "carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code (26 U.S.C. 162)"

39. Page 17, line 8.

**Strike:** "synonomous"

**Insert:** "synonymous"

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

40. Page 18, line 6 through page 19, line 14.

**Strike:** section 14 in its entirety

**Insert:** "NEW SECTION. Section 15. Review of pass-through entity taxation by department. (1) The department shall review, with the assistance of interested parties, the reporting and taxation of income that is flowing through pass-through entities and the method of reporting and taxation of this income in states other than Montana and shall consider recommendations concerning the methodology that Montana should use to ensure fair and equitable taxation of income that flows through pass-through entities to other entities.

(2) The department shall report to the revenue and taxation interim committee at least once each year on the findings and recommendations of the review conducted under subsection (1)."

41. Page 19, line 16.

**Following:** "(1)"

**Insert:** "(a)"

42. Page 19.

**Following:** line 18

**Insert:** "(b) The code commissioner shall codify [sections 5 and 6] as the same section number. [Section 5] is a temporary section and terminates as provided in [section 20], and [section 6] is a permanent section that is effective as provided in [section 18(3)]."

43. Page 19.

**Following:** line 25

**Insert:** "NEW SECTION. Section 18. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective October 1, 2001.

(2) [Section 8 and this section] are effective on passage and approval.

(3) [Section 6] is effective January 1, 2003."

**Renumber:** subsequent sections

44. Page 19, line 27.

**Following:** "**Applicability.**"

**Insert:** "(1)"

**Strike:** "[This act]"

**Insert:** "Except as provided in subsections (2) and (3), [this act]"

45. Page 19.

**Following:** line 28

**Insert:** "(2) [Section 8] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2000.

(3) [Section 6] applies to tax years beginning after December 31, 2002."

46. Page 19.

**Following:** line 28

**Insert:** "NEW SECTION. Section 20. Termination. [Section 5] terminates December 31, 2002."

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/13/2001

**HB 403**, introduced bill, be amended as follows:



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

1. Page 1, line 20.

**Following:** "restraints"

**Insert:** ", except as provided in subsection (4)"

2. Page 2.

**Following:** line 5

**Insert:** "(4) The provisions of subsection (1)(b) apply only to vehicles that are required by law to be equipped with seatbelts."

And, as amended, do pass. Report adopted.

**HB 408**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AND"

2. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

**Following:** line 18

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 442**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "HIGHWAY;"

**Insert:** "INCREASING THE PENALTIES FOR LITTERING; ADDING THE OFFENSE OF THROWING CONTAINERS OF URINE OR FECES UPON A HIGHWAY AND PROVIDING A PENALTY;"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "61-8-365"

**Insert:** "AND 61-8-372"

2. Page 1, line 12.

**Following:** "plastic"

**Insert:** "bottles, plastic"

3. Page 1, line 19.

**Following:** "61-8-372"

**Insert:** "and subsection (5) of this section"

4. Page 1, line 20.

**Strike:** "\$50" in both places

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

**Insert:** "\$250" in both places

5. Page 1, line 21.

**Strike:** "\$100"

**Insert:** "\$500"

6. Page 1.

**Following:** line 21

**Insert:** "(5) A person may not throw or deposit upon a highway plastic bottles or any other containers in which urine or feces have been deposited. A person convicted of violating this subsection shall be fined not less than \$1,000."

7. Page 1.

**Following:** line 21

**Insert:** "Section 2. Section 61-8-372, MCA, is amended to read:

**"61-8-372. Littering with lighted matches, cigarettes, and other burning material and dumping ashtray prohibited -- penalty -- posting.** (1) A person may not throw away lighted matches, tobacco, cigarettes, cigars, or other lighted material on a forest road, private road, city street, county road, public highway, or railroad right-of-way, except lighted materials used as safety signaling devices, in this state.

(2) A person may not empty an ashtray containing matches, ashes, cigarette or cigar refuse, or other related material on a forest road, private road, city street, county road, public highway, or railroad right-of-way in this state.

(3) A person convicted of violating subsection (1) or (2) shall be fined a minimum of ~~\$100~~ \$500.

(4) Municipalities, the forest service, county governments, property owners, public transit operators, federal highway administrators, and any other appropriate entity may, at their discretion, post copies of this section in conspicuous locations.""

And, as amended, do pass. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 186** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Gallik, Golie, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Raser, Tramelli, Vick, Waddill.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Total 25

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 201** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Esp, Forrester, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.

Total 62

Noes: Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Devlin, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Lee, Lenhart, Price, Schmidt, Shockley, Smith, Story, Tramelli, Wanzenried, Witt, Mr. Speaker.

Total 38

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 292** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Noes: McCann, Smith.  
Total 2

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: Fritz, Vick.  
Total 2

**HB 320** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 67

Noes: Bixby, Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 32

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**HB 379** passed as follows:

Ayes: Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Olson, Price, Raser, Rome, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Waddill, Waitschies, Wanzenried.  
Total 52

Noes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, R. Brown, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Harris, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Pattison, A.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Peterson, K. Peterson, Rice, Ripley, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 47

Voted Absentee: Dale, No.

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 444** passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Bales, Balyeat, R. Brown, Davies, Devlin, Forrester, Himmelberger, Kasten, Rice, Vick, Walters, Witt.  
Total 13

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: Jent, Smith.  
Total 2

**MOTIONS**

Representative Sliter moved that **HB 552** be taken from the Committee on Judiciary and rereferred to the Committee on Agriculture. There being no objections, so ordered.

Representative Younkin moved that **HB 62** be taken from the Committee on Local Government and rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Sliter moved that **HB 273** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried as follows:

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tropila, Wanzenried.

Total 34

Excused: Dale.

Total 1

Absent or not voting: P. Clark.

Total 1

Representative Sliter moved that **HB 57** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Mangan, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.

Total 34

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

Representative Buzzas requested on **HB 33** and **HB 159**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Representative Laible requested on **HB 33**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Davies requested on **HB 262**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schrumpf requested on **HB 379**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Erickson requested on **HB 57**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Fritz requested on **HB 379**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Kaufmann moved that **HB 355** be taken from the table in the Committee on Business and Labor and rereferred to the Committee of the Whole.

Representative Mood moved for cloture.

Motion that **HB 355**, be rereferred failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 52

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Rice, Ripley, Rome, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 47

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

Representative Somerville requested the House reconsider its action on **HB 131**. Motion carried as follows:

Ayes: Bitney, Bookout-Reinicke, Brueggeman, Buzzas, Carney, Clancy, P. Clark, Cyr, Dell, Erickson, Esp, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Lawson, Lewis,

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 13, 2001

Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, Callahan, E. Clark, Curtiss, Davies, Devlin, Eggers, Fisher, Forrester, Gallik, Holden, Hurdle, Jacobson, Jayne, Kasten, Laslovich, Laszloffy, Lee, Lehman, Masolo, McCann, Pattison, K. Peterson, Rice, Ripley, Shockley, Smith, Vick, Walters, Witt.  
Total 38

Excused: Dale.  
Total 1

Absent or not voting: Fritz, Lenhart.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Wednesday, February 14, 2001. Motion carried.

House adjourned at 3:17 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 14, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Laszloffy. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Masolo, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/14/2001  
Correctly printed: **HB 247, HB 344, HB 403, HB 408, HB 442, HB 489, HB 490, HB 505, SB 133.**  
Correctly engrossed: **HB 33, HB 125, HB 159, HB 363, HB 399, HB 432, HJR 9.**

**JUDICIARY** (Shockley, Chairman): 2/13/2001  
**HB 66**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "LEGISLATION"

**Insert:** "MONTANA CODE ANNOTATED"

2. Title, page 1, line 6.

**Following:** line 5

**Insert:** "POORLY ORGANIZED,"

3. Page 1, line 13.

**Strike:** "legislation"

**Insert:** "Montana Code Annotated"

4. Page 1, line 14.

**Strike:** "legislation"

**Insert:** "Montana Code Annotated"

5. Page 1, line 15.

**Following:** "inconsistent,"

**Insert:** "poorly organized,"

6. Page 1, line 18.

**Strike:** "five"

**Insert:** "seven working"

7. Page 1, line 22.

**Following:** line 21

**Insert:** "(d) one member appointed by the secretary of state;

(e) one member appointed by the superintendent of public instruction;"

**Renumber:** subsequent subsections

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

8. Page 1, line 29.

**Following:** "shall"

**Insert:** ", within existing resources,"

And, as amended, do pass. Report adopted.

**HB 290**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "CONCEALMENT OR"

**Insert:** "DECEPTION, COERCION, AND"

2. Title, page 1, line 5.

**Strike:** ""FORCE""

**Insert:** ""WITHOUT CONSENT""

3. Page 1, line 16.

**Following:** line 15

**Insert:** "(iii) overcome by deception, coercion, or surprise;"

**Renumber:** subsequent subsections

4. Page 1, line 22.

**Following:** "or"

**Insert:** "or"

5. Page 1, line 24 through line 25.

**Strike:** "; or" on line 24 through "victim" on line 25

And, as amended, do pass. Report adopted.

**HB 360**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "INCLUDE"

**Insert:** "CERTAIN TYPES OF"

**Strike:** "AND"

**Insert:** ", "

2. Title, page 1, line 6 through line 7.

**Strike:** "WHEN" on line 6 through "VICTIM" on line 7

**Insert:** ", INCEST, AND SEXUAL ABUSE OF CHILDREN"

3. Page 1, line 22.

**Following:** "(c)"

**Insert:** "(i)"

4. Page 1, line 23 through line 24.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

**Strike:** "or an" on line 23 through line 24

**Insert:** ";

(ii) an offense under 45-5-502 or 45-5-503, except when the alleged victim is under the legal age of consent, is 13 or more years of age and willingly participated in the commission of the alleged acts, and 45-5-502(5)(a) or 45-5-503(3)(d) does not apply; or

(iii) an offense under 45-5-507(4) or 45-5-625.

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/13/2001

**SB 3**, introduced by Kitzenberg

**SB 167**, introduced by Stonington

**SB 191**, introduced by DePratu

**SB 198**, introduced by Taylor

**SB 244**, introduced by Halligan

**SB 267**, introduced by Ekegren

**SB 274**, introduced by Keenan

**SB 380**, introduced by McNutt

**SB 398**, introduced by Miller

House bills concurred in and returned to the House:

2/13/2001

**HB 155**, introduced by Noennig

**HB 235**, introduced by R. Brown

**MESSAGES FROM THE GOVERNOR**

February 14, 2001

The Honorable Dan McGee

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 24** sponsored by Representative R. Erickson, **House Bill 36** sponsored by Representative Gallik, **House Bill 51** sponsored by Representative Facey, and **House Bill 56** sponsored by Representative Lawson on February 14, 2001.

Sincerely,

JUDY MARTZ

Governor

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 571**, introduced by Galvin-Halcro, Doherty, referred to Agriculture.  
**HB 572**, introduced by Bales, Grosfield, Shea, Wolery, referred to Natural Resources.  
**HB 573**, introduced by Bales, Clancy, Grosfield, Olson, Shea, Wolery, referred to Natural Resources.  
**HB 574**, introduced by Golie, referred to Business and Labor.  
**HB 575**, introduced by Buzzas, Bixby, Juneau, Lindeen, Mangan, Raser, Wanzenried, referred to Appropriations.  
**HB 576**, introduced by Jayne, referred to State Administration.  
**HB 577**, introduced by McCann (by request of the House Joint Appropriations Subcommittee on Long Range Planning), referred to Appropriations.  
**HB 578**, introduced by Callahan, Christiaens, Galvin-Halcro, Golie, Jergeson, Laslovich, Lehman, Mangan, McKenney, Pattison, Ripley, Schmidt, B. Thomas, Tramelli, Whitaker, Witt, referred to Taxation.  
**HB 579**, introduced by Juneau, referred to Federal Relations, Energy, and Telecommunications.  
**HB 580**, introduced by Erickson, Harris, Waddill, referred to Taxation.  
**HB 581**, introduced by Waddill, Erickson, referred to Taxation.  
**HB 582**, introduced by Gutsche, referred to Human Services.  
**HB 583**, introduced by Esp, referred to Human Services.  
**HB 584**, introduced by Fritz, referred to Education.  
**HB 585**, introduced by Fuchs, Haines, McGee, referred to Judiciary.  
**HB 586**, introduced by Wanzenried, referred to Natural Resources.  
**HB 587**, introduced by Laible, referred to Business and Labor.  
**HB 588**, introduced by Balyeat, Dale, Jackson, Pattison, Waitschies, referred to State Administration.  
**HB 589**, introduced by Facey, referred to Business and Labor.  
**HB 590**, introduced by Hurdle, Gutsche, referred to Judiciary.

The following House joint resolutions were introduced, read first time, and referred to committee:

**HJR 27**, introduced by Bales, Clancy, Olson, referred to Natural Resources.  
**HJR 28**, introduced by Laible, Gallik, Haines, Shockley, Walters, referred to Business and Labor.

**MOTIONS**

Representative Sliter moved consideration of **HB 434, HB 167, HB 424, and HB 499** be passed for the day.  
Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Younkin moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

**HB 321** - Representative D. Brown moved **HB 321** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Mangan, Steinbeisser, Waitschies, Walters.

Total 4

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: McCann, Somerville.

Total 2

**HB 331** - Representative Eggers moved **HB 331** do pass. Motion carried as follows:

s, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Walters.

Total 1

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 390** - Representative Shockley moved **HB 390** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Gallik, Gallus, Jayne, Mangan, Smith.

Total 5

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 405** - Representative Younkin moved **HB 405** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

**HB 443** - Representative Clancy moved **HB 443** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Dell, Gutsche, Harris, Mangan, Masolo, Vick.  
Total 7

Voted Absentee: Masolo, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 463** - Representative Lee moved **HB 463** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Adams, Balyeat, Davies, Fisher, Hedges, Kasten, Pattison, Rice, Story, Vick, Walters.  
Total 11

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 477** - Representative Kasten moved **HB 477** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Carney, Schmidt, Walters.  
Total 3

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 493** - Representative Fritz moved **HB 493** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 88

Noes: Adams, Balyeat, Curtiss, Davies, Holden, Kasten, Laszloffy, K. Peterson, Rice, Vick, Walters, Mr. Speaker.  
Total 12

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 13** - Representative Wolery moved **HJR 13** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A.



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Bixby, Buzzas, P. Clark, Eggers, Erickson, Facey, Fritz, Gillan, Gutsche, Hurdle, Kaufmann.

Total 11

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**HJR 14** - Representative Curtiss moved **HJR 14** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 15** - Representative Lawson moved **HJR 15** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Adams, Balyeat, Davies, Fuchs, Himmelberger, Lewis, Mood, Pattison, Waitschies.

Total 9

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 219** - Representative McKenney moved **HB 219** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Clancy, Erickson, Facey, Gallik, Gutsche, Jackson, Jacobson, Jayne, Mangan, McCann, Raser, Smith, Walters.

Total 13

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 265** - Representative Facey moved **HB 265** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Total 80

Noes: Adams, Balyeat, Brueggeman, E. Clark, Davies, Devlin, Esp, Fisher, Hedges, Jackson, Kasten, Laible, Lewis, Shockley, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters.

Total 20

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 358** - Representative Bales moved **HB 358** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

**HB 421** - Representative Shockley moved **HB 421** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Total 96

Noes: McCann, K. Peterson.

Total 2

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Buzzas, Eggers.

Total 2

**HB 430** - Representative Clancy moved **HB 430** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Carney, Devlin, Esp, Fisher, Himmelberger, Jackson, Kasten, Steinbeisser, Story.

Total 14

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

**HB 462** - Representative Witt moved **HB 462** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Noes: Hurdle, Walters.  
Total 2

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 504** - Representative Gallik moved **HB 504** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: Branae, Davies, Fuchs, Gallik.  
Total 4

Representative Younkin moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Total 99

Noes: None.

Total 0

Excused: Masolo.

Total 1

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 33** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Eggers, Gallik.

Total 2

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 125** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 159** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 213** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 90

Noes: Adams, Curtiss, Davies, Holden, Kasten, Pattison, Rice, Waitschies, Walters, Mr. Speaker.

Total 10

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 363** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Adams, R. Brown, Dale, Davies, Dell, Golie, Kasten, McCann, Pattison, Rice, Tramelli, Vick, Walters.

Total 13

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 399** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Total 92

Noes: Adams, Dale, Esp, Kasten, Somerville, Vick, Waddill, Walters.

Total 8

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 432** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Dell, Gallus, Jayne, Lee, Masolo, Thomas.

Total 6

Voted Absentee: Masolo, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 9** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

Noes: None.  
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

**MOTIONS**

Representative Newman requested on **HB 405**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Witt requested on **HJR 13**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Lee requested on **HJR 14** and **HB 462**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Waitschies requested on **HJR 14**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Hedges, Chairman): 2/14/2001  
**HJR 6**, do pass. Report adopted.  
**HB 387**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 2/14/2001  
**HB 542**, do pass. Report adopted.  
**HB 551**, introduced bill, be amended as follows:

1. Title, line 7.  
**Strike:** "QUADICYCLES"  
**Insert:** "QUADRICYCLES"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman): 2/14/2001  
**HB 451**, introduced bill, be amended as follows:

1. Title, line 7.  
**Following:** "YEAR"  
**Insert:** "OR A SUBSEQUENT LICENSE YEAR"

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

2. Page 1, line 23.

**Following:** "2000"

**Insert:** "or a subsequent license year"

3. Page 2, line 7.

**Following:** "disabilities"

**Strike:** "listed in"

**Insert:** "pursuant to"

4. Page 2, line 7 through line 9.

**Following:** "subsection (8)" on line 7

**Strike:** remainder of line 7 through "(8)(c)" on line 9

5. Page 3, line 23 through line 26.

**Following:** "(c)" on line 23

**Strike:** remainder of line 23 through "(8)" on line 26

**Insert:** "is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25 pounds"

6. Page 3, line 27.

**Insert:** "(9) Certification by a licensed physician under subsection (8) must be on a form provided by the department.

(10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may request a review by a voluntary board of review pursuant to subsection (3)."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/14/2001

**HB 409**, do pass. Report adopted.

**HB 469**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

2/14/2001

**HB 472**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "SYSTEM;"

**Insert:** "AND"

2. Title, page 1, line 6 through line 7.

**Following:** "MCA" on line 6

**Strike:** "; AND" on line 6 through "DATE" on line 7

3. Page 1, line 19.

**Strike:** "June 30, 2003"

**Insert:** "December 31, 2001"

4. Page 1, line 30.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 14, 2001

**Strike:** section 2 in its entirety

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Thursday, February 15, 2001. Motion carried.

House adjourned at 2:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 15, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Schrumpf. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Representative Holden led the House in singing Happy Birthday to Representative Rome.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/15/2001  
Correctly printed: **HB 387, HB 409, HB 469, HB 542, HJR 6.**  
Correctly engrossed: **HB 219, HB 265, HB 321, HB 331, HB 358, HB 390, HB 405, HB 421, HB 430, HB 443, HB 462, HB 463, HB 477, HB 493, HB 504, HJR 13, HJR 14, HJR 15.**

**AGRICULTURE** (Hedges, Chairman): 2/14/2001  
**HB 397**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "SUBMIT"

**Strike:** "AN"

**Following:** "INTERIM"

**Strike:** "REPORT"

**Insert:** "REPORTS"

2. Title, page 1, line 9 through 10.

**Following:** "BASIN"

**Strike:** "PENDING COMPLETION" on line 9 through "MANAGEMENT PLAN" on line 10.

3. Page 1, line 15 through line 20.

**Strike:** "The" on line 15 through "watersheds or river reaches:" on line 20.

**Insert:** "The governor's office shall designate an appropriate entity to convene and coordinate a Clark Fork River basin task force to prepare a water management plan for the Clark Fork River basin pursuant to 85-1-203. The designated appropriate entity shall:

(a) identify the individuals and organizations, both public and private, that are interested in or affected by water management in the Clark Fork River basin;

(b) provide advice and assistance in selecting representatives to serve on the task force;

(c) develop, in consultation with the task force, appropriate opportunities for public participation in the development of a water management plan; and

(d) ensure that all watershed and viewpoints within the basin are adequately represented on the task force, including a representation from the following:"

4. Page 1, line 21.

**Strike:** "(a)"

**Insert:** "(i)"

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

5. Page 1, line 22.

**Strike:** "(b)"

**Insert:** "(ii)"

6. Page 1, line 24.

**Strike:** "(c)"

**Insert:** "(iii)"

7. Page 1, line 25.

**Strike:** "(d)"

**Insert:** "(iv)"

8. Page 1, line 27.

**Strike:** "(e)"

**Insert:** "(v)"

9. Page 1, line 28.

**Strike:** "(f)"

**Insert:** "(vi)"

10. Page 1, line 29 through page 2, line 1.

**Strike:** subsection 2

**Renumber:** subsequent subsections

11. Page 2, line 11.

**Following:** "must"

**Strike:** "."

12. Page 2, line 12.

**Strike:** "(a)"

**Following:** "options to protect"

**Strike:** "existing"

**Insert:** "the security of"

**Following:** the first "water"

**Strike:** "uses"

**Insert:** "rights"

13. Page 2, line 12 through 13.

**Strike:** "water supplies to meet current needs, including hydropower generation;"

**Insert:** "provide for the orderly development and conservation of water in the future."

14. Page 2, line 14 through line 18.

**Strike:** "(b) identify options to provide water for future needs;" through "the basis of priority date."

15. Page 2, line 19.

**Following:** "an interim report"

**Insert:** "annually by October 31"

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

**Following:** "legislature"

**Insert:** "."

16. Page 2, line 20.

**Strike:** "by December 31, 2002."

17. Page 2, line 22.

**Following:** "legislature"

**Insert:** ","

**Following:** "85-1-203"

**Insert:** ", by October 31"

18. Page 2, line 24 through line 26.

**Strike:** "Until a water" through "throughout the basin, the"

**Insert:** "The"

19. Page 2, line 30.

**Following:** "in which case you"

**Strike:** "will"

**Insert:** "may"

20. Page 3, line 13.

**Strike:** "December 31, 2004"

**Insert:** "April 15, 2005"

And, as amended, do pass. Report adopted.

**TAXATION** (Story, Chairman):

2/15/2001

**HB 548**, do pass. Report adopted.

**SB 44**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/14/2001

**SB 144**, introduced by Nelson

**SB 187**, introduced by Cobb

**SB 190**, introduced by Johnson

**SB 210**, introduced by Waterman

**SB 241**, introduced by Wells

**SB 258**, introduced by Bohlinger

**SB 261**, introduced by Christiaens

**SB 263**, introduced by Mahlum

**SB 265**, introduced by Hargrove

**SB 268**, introduced by Hargrove

**SB 272**, introduced by Toole

**SB 300**, introduced by Holden

**SB 318**, introduced by Ekegren

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

**SB 320**, introduced by Kitzenberg  
**SB 321**, introduced by Mahlum  
**SB 382**, introduced by Grosfield

**MESSAGES FROM THE GOVERNOR**

February 14, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 26** sponsored by Representative E. Clark, **House Bill 91** sponsored by Representative Golie, **House Bill 115** sponsored by Representative Shockley, and **House Bill 117** sponsored by Representative Andersen on February 14, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 591**, introduced by Himmelberger, referred to Taxation.  
**HB 592**, introduced by McCann, referred to Business and Labor.  
**HB 593**, introduced by Vick, referred to Business and Labor.  
**HB 594**, introduced by Gallus, Gallik, referred to Business and Labor.  
**HB 595**, introduced by Newman, Bixby, Callahan, Cyr, Doherty, Eggers, Ellingson, Facey, Franklin, Gillan, Golie, Gutsche, Harrington, Harris, Juneau, Keane, Laslovich, Lee, Lindeen, Raser, Shea, Tropila, Wanzenried, referred to Appropriations.  
**HB 596**, introduced by Bitney, referred to Business and Labor.  
**HB 597**, introduced by Kaufmann, referred to Business and Labor.  
**HB 598**, introduced by Brueggeman, Beck, Clancy, DePratu, Fisher, Glaser, Kasten, Keenan, McGee, McNutt, Mood, Sliter, Taylor, F. Thomas, Vick, Wells, Witt, Zook, referred to Judiciary.  
**HB 599**, introduced by Haines, referred to Agriculture.  
**HB 600**, introduced by Bookout-Reinicke, referred to Taxation.  
**HB 601**, introduced by Forrester, referred to Agriculture.  
**HB 602**, introduced by Whitaker, referred to Appropriations.  
**HB 603**, introduced by Shockley (by request of the House Judiciary Standing Committee), referred to Judiciary.

The following House joint resolutions were introduced, read first time, and referred to committees:



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

**HJR 29**, introduced by Carney, referred to Judiciary.

**HJR 30**, introduced by Story, referred to Transportation.

**HJR 31**, introduced by Schmidt, referred to Local Government.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 398**, introduced by Miller, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 434** - Representative Schruppf moved **HB 434** do pass.

**HB 434** - Representative Schruppf moved **HB 434**, second reading copy, be amended as follows :

1. Title, line 8.

**Following:** "COUNTY"

**Insert:** "WITHOUT THE WRITTEN APPROVAL OF THE SUPERVISING PROBATION OR PAROLE OFFICER"

2. Page 1, line 18.

**Following:** "county"

**Insert:** "without the written approval of the supervising probation or parole officer"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Olson, K. Peterson.

Total 2

Excused: None.

Total 0

Absent or not voting: Laszloffy, Mood.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Total 2

Motion that **HB 434**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 167** - Representative Hedges moved **HB 167** do pass.

**HB 167** - Representative Hedges moved **HB 167**, second reading copy, be amended as follows :

1. Page 2.

**Following:** line 11

**Insert:** "(A) a corporation as defined in 35-2-114;"

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Ayes: Adams, Balyeat, Bookout-Reinicke, Brueggeman, Callahan, Dale, Fisher, Fuchs, Haines, Hedges, Jackson, Jayne, Jent, Laible, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, A. Peterson, K. Peterson, Rice, Ripley, Rome, Shockley, Sliter, Smith, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 41

Noes: Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Holden, Hurdle, Jacobson, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Masolo, Musgrove, Newman, Noennig, Olson, Pattison, Raser, Schmidt, Schrumpf, Somerville, Steinbeisser, Story, Tramelli, Tropila, Wanzenried, Mr. Speaker.

Total 58

Excused: None.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Total 0

Absent or not voting: Price.

Total 1

Motion that **HB 167**, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Tramelli, Wanzenried.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 424** - Representative K. Peterson moved **HB 424** do pass.

**HB 424** - Representative Younkin moved **HB 424**, second reading copy, be amended as follows :

1. Title, page 1, line 9.

**Strike:** "SECTION"

**Insert:** "SECTIONS 27-6-103 AND"

2. Page 1, line 14.

**Following:** line 13

**Insert:** "Section 1. Section 27-6-103, MCA, is amended to read:

**"27-6-103. Definitions.** As used in this chapter, the following definitions apply:

(1) "Dentist" means:

(a) for purposes of the assessment of the annual surcharge, an individual licensed to practice dentistry under the provisions of Title 37, chapter 4, who at the time of the assessment:

(i) has as the individual's principal residence or place of dental practice the state of Montana;

(ii) is not employed full-time by any federal governmental agency or entity; and

(iii) is not fully retired from the practice of dentistry; or

(b) for all other purposes, a person licensed to practice dentistry under the provisions of Title 37, chapter 4, who at the time of the occurrence of the incident giving rise to the claim:

(i) was an individual who had as the principal residence or place of dental practice the state of Montana and was not employed full-time by any federal governmental agency or entity; or

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

(ii) was a professional service corporation, partnership, or other business entity organized under the laws of any state to render dental services and whose shareholders, partners, or owners were individual dentists licensed to practice dentistry under the provisions of Title 37, chapter 4.

(2) (a) "Health care facility" means a facility (other than a governmental infirmary but including a university or college infirmary) licensed as a health care facility under Title 50, chapter 5.

(b) For the purposes of this chapter, a health care facility does not include a chemical dependency facility, an end-stage renal dialysis facility, a home infusion therapy agency, or a residential care facility.

(3) "Health care provider" means:

(a) a physician, a dentist, a podiatrist, or a health care facility; or

(b) for purposes of a claim under [section 3], a health carrier or managed care entity as defined in 33-37-101.

(4) "Hospital" means a hospital as defined in 50-5-101.

(5) "Malpractice claim" means a claim under [section 3] or a claim or potential claim of a claimant against a health care provider for medical or dental treatment, lack of medical or dental treatment, or other alleged departure from accepted standards of health care that proximately results in damage to the claimant, whether the claimant's claim or potential claim sounds in tort or contract, and includes but is not limited to allegations of battery or wrongful death.

(6) "Panel" means the Montana medical legal panel provided for in 27-6-104.

(7) "Physician" means:

(a) for purposes of the assessment of the annual surcharge, an individual licensed to practice medicine under the provisions of Title 37, chapter 3, who at the time of the assessment:

(i) has as the individual's principal residence or place of medical practice the state of Montana;

(ii) is not employed full-time by any federal governmental agency or entity; and

(iii) is not fully retired from the practice of medicine; or

(b) for all other purposes, a person licensed to practice medicine under the provisions of Title 37, chapter 3, who at the time of the occurrence of the incident giving rise to the claim:

(i) was an individual who had as the principal residence or place of medical practice the state of Montana and was not employed full-time by any federal governmental agency or entity; or

(ii) was a professional service corporation, partnership, or other business entity organized under the laws of any state to render medical services and whose shareholders, partners, or owners were individual physicians licensed to practice medicine under the provisions of Title 37, chapter 3.

(8) "Podiatrist" means:

(a) for purposes of the assessment of the annual surcharge, an individual licensed to practice podiatry under the provisions of Title 37, chapter 6, who at the time of the assessment:

(i) has as the individual's principal residence or place of podiatric practice the state of Montana;

(ii) is not employed full-time by any federal governmental agency or entity; and

(iii) is not fully retired from the practice of podiatry; or

(b) for all other purposes, a person licensed to practice podiatry under the provisions of Title 37, chapter 6, who at the time of the occurrence of the incident giving rise to the claim:

(i) was an individual who had as the principal residence or place of podiatric practice the state of Montana and was not employed full-time by any federal governmental agency or entity; or

(ii) was a professional service corporation, partnership, or other business entity organized under the laws of any state to render podiatric services and whose shareholders, partners, or owners were individual podiatrists licensed to practice podiatry under the provisions of Title 37, chapter 6."

**Renumber:** subsequent sections

3. Page 3, line 1.

**Strike:** "and"

4. Page 3, line 2.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

**Following:** "peer"

**Insert:** "; and

(d) submitted the claim to the Montana medical legal panel under Title 27, chapter 6"

5. Page 3, line 14.

**Strike:** "2"

**Insert:** "3"

6. Page 3, line 15.

**Strike:** "2"

**Insert:** "3"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Fisher, Fuchs, Gallus, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Olson, Pattison, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Vick, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 56

Noes: Bales, Bookout-Reinicke, Branae, Buzzas, Carney, P. Clark, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, McCann, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Somerville, Tramelli, Tropila, Waddill, Waitschies, Walters, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 424** - Representative Mangan moved **HB 424**, second reading copy, be further amended as follows :

1. Page 2, line 22.

**Following:** "decisions"

**Strike:** remainder of line 22 through "enrollee"

Amendment **not** adopted as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bixby, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Fisher, Gallus, Gillan, Golie, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laible, Lenhart, Lewis, Mangan, Masolo, Matthews, Olson, Price, Rice, Ripley, Rome, Smith, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Wanzenried, Witt, Younkin.

Total 46

Noes: Bales, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Davies,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Dell, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jent, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lindeen, McCann, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Raser, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Thomas, Waddill, Walters, Whitaker, Wolery, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

**HB 424** - Representative Mangan moved **HB 424**, second reading copy, be further amended as follows :

1. Title, page 1, line 6.

**Following:** "A"

**Strike:** "HEALTH CARRIER OR"

2. Title, page 1, line 8.

**Following:** line 7

**Strike:** "CARRIER OR"

3. Page 2, line 9.

**Following:** "a"

**Strike:** "health carrier or"

4. Page 2, line 10.

**Following:** "prudent"

**Strike:** "health carrier or"

5. Page 2, line 11.

**Following:** "a"

**Strike:** "health carrier or"

6. Page 2, lines 20 and 21.

**Following:** "A" on line 20

**Strike:** remainder of line 20 through "or" on line 21

**Strike:** "must" on line 21

**Insert:** "shall"

7. Page 2, line 23.

**Following:** "A"

**Strike:** "health carrier or"

8. Page 2, line 25.

**Following:** "the"

**Strike:** "carrier or"

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

9. Page 2, line 26.

**Following:** "that"

**Strike:** "carrier or"

**Following:** "whom the"

**Strike:** "carrier or"

10. Page 2, line 27.

**Following:** "a"

**Strike:** "health carrier or"

11. Page 2, line 29.

**Following:** "the"

**Strike:** "health carrier or"

12. Page 2, line 30 through page 3, line 1.

**Following:** "to the" on page 2, line 30

**Strike:** remainder of line 30 through "or" on page 3, line 1

13. Page 3, line 3.

**Following:** "a"

**Strike:** "health carrier or"

Amendment **not** adopted as follows:

Ayes: Bixby, Erickson, Gillan, Jackson, Jayne, Kasten, Laible, Lenhart, Mangan, Price, Smith, Story.

Total 12

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

Motion that **HB 424**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Bitney, Curtiss, Dale, Esp, Jackson, Kasten, Laible, Lewis, Mangan, McKenney, Story, Vick, Waitschies, Witt.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved consideration of **HB 499, HB 348, HB 353, HB 395, HB 409, and HB 456** be passed for the day. Motion carried.

**HB 247** - Representative Lewis moved **HB 247** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Callahan, Erickson, Facey, Fritz, Gallik, Gillan, Golie, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Mangan, Smith, Tramelli.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 307** - Representative Gallus moved **HB 307** do pass. Motion carried as follows:

Ayes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Whitaker, Younkin, Mr. Speaker.

Total 60



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Holden, Jackson, Kasten, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, Rice, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Wanzenried, Witt, Wolery.

Total 39

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**HB 324** - Representative Mangan moved **HB 324** do pass. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 68

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Esp, Fisher, Holden, Jackson, Kasten, Laible, Lewis, McKenney, Mood, Pattison, Rome, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 31

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**HB 344** - Representative Bixby moved **HB 344** do pass. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Younkin.

Total 62

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McKenney, Mood, Pattison, Rice, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Wolery, Mr. Speaker.

Total 37

Excused: None.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Total 0

Absent or not voting: P. Clark.

Total 1

**HB 387** - Representative Hedges moved **HB 387** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Esp, Gallik, Golie, Kaufmann, Keane, Newman, Raser, Story.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 392** - Representative Masolo moved **HB 392** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Adams, Bitney, D. Brown, Davies, Devlin, Juneau, Kasten, Pattison, Raser, Walters, Wanzenried, Witt.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 408** - Representative Schmidt moved **HB 408** do pass. Motion carried as follows:

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Lewis, McKenney, Sliter, Walters, Whitaker.

Total 5

Excused: None.

Total 0

Absent or not voting: Fuchs, Hedges.

Total 2

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 88

Noes: Eggers, Fritz, Gallik, Galvin-Halcro, Keane, Sliter, Smith, Vick, Wanzenried.

Total 9

Excused: None.

Total 0

Absent or not voting: Dale, Schrumpf, Mr. Speaker.

Total 3

Majority Leader Sliter moved that the House recess until 2:30 p.m. Motion carried.

House recessed at 1:48 p.m.

House reconvened at 2:30 p.m. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

**EDUCATION** (Masolo, Chairman): 2/15/2001  
**HB 488**, do pass. Report adopted.  
**SB 214**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 2/14/2001  
**HJR 10**, be adopted. Report adopted.  
**HJR 18**, introduced joint resolution, be amended as follows:

1. Page 1, line 16.

**Following:** "Corp"

**Insert:** ", which included Sacajawea,"

2. Page 1, line 17.

**Following:** "Divide,"

**Strike:** "and"

**Insert:** "met with many Indian nations that provided the Corps with guidance and support, and, as a result,"

And, as amended, be adopted. Report adopted.

**LEGISLATIVE ADMINISTRATION** (Bookout-Reinicke, Chairman): 2/16/2001  
**SB 180**, be amended as follows:

1. Title, line 7.

**Following:** ";

**Insert:** "REQUIRING A 7-DAY NOTICE FOR A HEARING HELD PRIOR TO A SPECIAL SESSION;"

2. Page 1, line 19.

**Following:** "(2)"

**Insert:** "(a)"

3. Page 1.

**Following:** line 20

**Insert:** "(b) Public notice of a hearing to be held by a standing committee prior to a special session must be given at least 7 days before the hearing."

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 2/14/2001  
**HB 345**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Strike:** "15-10-420,"

2. Page 5, line 4.

**Following:** "commissioners,"

**Insert:** "three of"

3. Page 5, line 5.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

**Following:** "(1)"

**Insert:** "appointed by the board of county commissioners"

**Following:** " "

**Strike:** "and"

**Following:** "attorney"

**Insert:** ", and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term"

4. Page 7, line 27.

**Following:** "commissioners."

**Insert:** "three of"

5. Page 7, line 28.

**Following:** "(1)"

**Insert:** "appointed by the board of county commissioners"

**Following:** " "

**Strike:** "and"

**Following:** "attorney"

**Insert:** ", and two resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one taxpayer member for a 2-year term and one taxpayer member for a 3-year term"

6. Page 8, line 13.

**Strike:** "(1)"

7. Page 9, line 10 through line 12.

**Strike:** subsection 2 in its entirety

8. Page 10, line 2 through page 11, line 10.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

9. Page 11, line 15.

**Following:** the first "year"

**Strike:** "and may not be higher than \$29,000 a year"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/15/2001

**HB 332**, do pass. Report adopted.

**HB 334**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

2/15/2001

**HB 340**, do pass. Report adopted.

**HB 523**, do pass. Report adopted.

**THIRD READING OF BILLS**

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 219** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Bixby, Curtiss, Dell, Eggers, Erickson, Gallik, Gutsche, Jacobson, Juneau, Mangan, McCann, Pattison, Smith.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 265** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 81

Noes: Adams, Balyeat, Brueggeman, E. Clark, Davies, Devlin, Esp, Fisher, Kasten, Laible, Lewis, Rome, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 321** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Waitschies, Walters.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 331** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 358** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Total 99

Noes: D. Brown.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 390** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Gallik, Jayne, Kaufmann, Mangan, Smith.

Total 5

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 405** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 421** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: K. Peterson.

Total 1

Excused: None.

Total 0

Absent or not voting: Devlin, Laible.

Total 2

**HB 430** passed as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Carney, Devlin, Esp, Fisher, Harris, Hurdle, Jackson, Kasten, Mangan, McCann, Pattison, Schmidt, Somerville, Steinbeisser, Story.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 443** passed as follows:

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Dell, Galvin-Halcro, Gutsche, Harris, Mangan, Masolo, Vick.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 462** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Hurdle.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 463** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Adams, Balyeat, E. Clark, Davies, Fisher, Hedges, Kasten, Pattison, Rice, Story, Vick, Walters.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Carney, Forrester.  
Total 2

**HB 477** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Buzzas, Carney, Harris.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 493** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 88

Noes: Adams, Balyeat, Davies, Fuchs, Holden, Kasten, Laszloffy, K. Peterson, Rice, Vick, Walters, Mr. Speaker.  
Total 12

Excused: None.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 504** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 13** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Buzzas, P. Clark, Erickson, Facey, Gallik, Gillan, Gutsche, Hurdle, Kaufmann.

Total 10

Excused: None.

Total 0

Absent or not voting: Lindeen.

Total 1

**HJR 14** adopted as follows:

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 15** adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Devlin, Fuchs, Himmelberger, Kasten, Lewis, Pattison, Waitschies.

Total 9

Excused: None.

Total 0

Absent or not voting: Fritz.

Total 1

**MOTIONS**

Representative Sliter moved that **HB 395, HB 344, HB 456, HB 324, HB 307, and HB 348** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Davies moved that **HB 413** be taken from the table in the Committee on Business and Labor and rereferred to the Committee of the Whole. Motion failed as follows:

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 15, 2001

Ayes: Adams, Bales, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Curtiss, Dale, Davies, Dell, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McCann, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Witt, Mr. Speaker.

Total 46

Noes: Andersen, Barrett, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Raser, Schmidt, Schrumpf, Smith, Tramelli, Wanzenried, Whitaker, Wolery, Younkin.

Total 52

Excused: None.

Total 0

Absent or not voting: Clancy, Somerville.

Total 2

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added **HB 588**: Adams, Butcher, Curtiss, Davies, Fuchs, Grimes, L. Holden, Kasten, Keenan, Laszloffy, O'Neil, Rice, Vick, Walters, Wells, and Whitaker.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Friday, February 16, 2001. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 16, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Gallik. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives R. Brown and Gallus, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/16/2001  
Correctly printed: **HB 66, HB 290, HB 332, HB 334, HB 340, HB 345, HB 360, HB 451, HB 472, HB 488, HB 523, HB 548, HJR 10, HJR 18, SB 44, SB 180, SB 214.**  
Correctly engrossed: **HB 167, HB 247, HB 387, HB 392, HB 408.**  
Correctly enrolled: **HB 23, HB 37, HB 155, HB 220, HB 235, HB 246.**  
Examined by the sponsor and found to be correct: **HB 23, HB 37, HB 155, HB 220, HB 246.**

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/16/2001

**SB 65**, introduced by Ellis  
**SB 158**, introduced by Grosfield  
**SB 245**, introduced by R. Holden

House bill concurred in and returned to the House: 2/16/2001

**HB 246**, introduced by Bales

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 144**, introduced by Noennig (by request of the Legislative Council), referred to Appropriations.  
**HB 604**, introduced by Hurdle, Gutsche, referred to Judiciary.  
**HB 605**, introduced by Mood, referred to Federal Relations, Energy, and Telecommunications.  
**HB 606**, introduced by Rice, Adams, Balyeat, Barrett, Davies, Esp, Pattison, Ripley, Waitschies, Witt, referred to Federal Relations, Energy, and Telecommunications.  
**HB 607**, introduced by Facey, Cobb, Ellingson, Erickson, Juneau, referred to Appropriations.  
**HB 608**, introduced by Haines (by request of the House Joint Appropriations Subcommittee on Natural Resources and Commerce), referred to Appropriations.  
**HB 609**, introduced by Story, referred to Taxation.  
**HB 610**, introduced by Kasten (by request of the House Joint Approp Subcommittee on Long Range Planning), referred to Appropriations.  
**HB 611**, introduced by Pattison (by request of the House Transportation Standing Committee), referred to Transportation.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**HB 612**, introduced by McGee, Sliter, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 32**, introduced by Bixby, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Buzzas in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 353** - Representative Sliter moved consideration of **HB 353** be passed for the day. Motion carried.

**HB 442** - Representative Jayne moved **HB 442** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, R. Brown, Clancy, Cyr, Davies, Esp, Kasten, Laszloffy, Story, Vick.

Total 10

Voted Absentee: Gallus, Aye; R. Brown, No.

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

**HB 469** - Representative Rice moved **HB 469** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: R. Brown, Gallus, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 489** - Representative Price moved **HB 489** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Bales, Branae, Dell, Devlin, Esp, Hedges, Somerville, Story, Waitschies.

Total 9

Voted Absentee: R. Brown, Gallus, Ayes.

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**HB 490** - Representative Price moved **HB 490** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Total 93

Noes: Adams, R. Brown, Davies, Lewis, McCann, Somerville, Tropila.

Total 7

Voted Absentee: Gallus, Aye; R. Brown, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 505** - Representative Dell moved **HB 505** do pass. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Raser, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 56

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Eggers, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, Masolo, McCann, Mood, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 44

Voted Absentee: R. Brown, Gallus, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 6** - Representative Waddill moved **HJR 6** be adopted. Motion carried as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Erickson, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Sliter, Smith, Tramelli, Tropila, Waddill, Wanzenried, Mr. Speaker.

Total 52

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Esp, Fisher, Forrester, Hedges, Himmelberger, Holden, Kasten, Keane, Laible, Laszloffy, Lehman, Masolo, Matthews, McKenney, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville,

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 48

Voted Absentee: Gallus, Aye; R. Brown, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Buzzas moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 85

Noes: Eggers, Fuchs, Keane.  
Total 3

Excused: R. Brown, Gallus.  
Total 2

Absent or not voting: Bales, Carney, Jayne, Lehman, Mangan, Pattison, Raser, Story, Witt, Mr. Speaker.  
Total 10

Majority Leader Sliter moved that the House recess for the purpose of a joint session for receiving the State of Education Address and that the House reconvene at 5:00 p.m., Friday, February 16, 2001. Motion carried.

House recessed at 1:24 p.m.

House reconvened at 1:25 p.m. Mr. Speaker in the chair.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Mr. Speaker introduced President Beck and yielded the Chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of Education address from the Superintendent of Public Instruction. Motion carried.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Senator Thomas moved that President Beck be authorized to appoint a committee of four to notify the Superintendent of Public Instruction that the House was in joint session and ready to receive her address. Motion carried.

President Beck appointed Senators Glaser and Ryan and Representatives Lawson and Raser and discharged them to escort the Superintendent of Public Instruction into the House Chamber.

Sergeant-at-Arms Cramer escorted the Superintendent of Public Instruction and the committee into the House Chamber.

Invocation was given by Pastor Keith Johnson of the Evangelical Covenant Church.

After being introduced by President Beck, Linda McCulloch, Superintendent of Public Instruction, delivered the following address:

Thank you very much President Beck, Speaker McGee. I'd also like to recognize Governor Judy Martz, Lieutenant Governor Karl Ohs, Attorney General Mike McGrath, Secretary of State Bob Brown, State Auditor John Morrison, Senator Steve Doherty, and Rep. Kim Gillan. I would like to thank my husband Bill for being here today.

I would like to thank the members of the American Association of University Women and the educators that are in the gallery. And I would just like to ask all of the educators in the audience, both in the gallery and on the floor, to stand up for a moment. These are the people that make education possible. Let's give them a hand.

I had hoped that we would be able to have a presentation for you by some Montana school kids. However, in deference to the workload you are facing leading up to the transmittal deadline and the very serious issues facing Montana education, we decided to save the children's presentation for another time. I trust that their presence is never far from your minds as you discuss these issues.

I cannot express how proud I am to stand before you for the first time as the representative of Montana's schools.

I'm proud because I have the opportunity to address this body in the chamber where I have served as a legislator. In fact, I used to sit right over there in Rep. Callahan's seat and shake my finger at Rep. Dan McGee until he voted for my bills--sometimes it even worked. I would, again, especially like to thank Speaker McGee for his graciousness and his friendship as we both moved into our new positions.

I'm proud because representing Montana's schools means representing the thousands of Montana parents, teachers, school boards, and community members who dedicate themselves every day to building a brighter future for our children. I can't tell you what an honor that is.

Most of all, I'm proud to be able to stand before you and talk about the future of Montana. Our 160,000 public school children - your children and grandchildren - are that future. It is education, more than any other factor, that will determine how bright that future will be.

And it is just as true that education is the key to making sure they can fulfill that future right here in Montana. Education is the key to economic development. Businesses simply will not locate in Montana unless we provide them with an educated workforce and a place where they will want to move their families and their school-age children. And more often than not, those businesses are being started and grown by Montana graduates who return home to send their own kids to Montana schools.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

It is education that will prepare our children and grandchildren for this new century. Education allows them to compete in a world where all sectors of the economy - from microchips to mining - depend on high tech skills and training.

I have spent the past sixteen years in a classroom at Bonner School, teaching kids. It is the greatest job in the whole world. I can tell you, as any teacher can, how it feels to have the opportunity each day to shape the life of a child. What it feels like to see in their eyes and their smiles that you have made a difference. Leaving that classroom and giving up that opportunity was one of the toughest decisions of my life. That was why it meant so much to me to see my Bonner kids travel here to Helena when I was sworn in as superintendent. It was in talking to those kids - my kids - that it hit me just how much this job means. Because I realized that even though I no longer get my daily supply of classroom smiles, my actions as superintendent, yours as legislators, and yours as governor affect every one of those classrooms, and each one of those children.

And if I am ever tempted to get distracted by budgets, or politics, or bureaucracy, all I have to do is look at the apple notes each of my students in Bonner made to line the walls of my office. When I think of them, there is no question where my focus is: improving Montana classrooms, so our children can succeed.

With that guiding principle, I would like to take a moment to outline my vision for the future of Montana schools. The vision that I hope you and I can work together to achieve.

The state of Montana education is at a fork in the road. Our children have incredible potential, and through the dedication of parents, teachers, and school trustees our schools are among the best in the country. If we invest in our children's education we can make Montana schools the envy of the country and prepare our students to rebuild Montana's economy in this new century. However, school districts' budgets are being stretched to the breaking point. They simply cannot continue to take cuts because of declining enrollment without any increased support from the state. If we fail to invest in schools, the quality of our children and grandchildren's education will decline. We're running out of duct tape and baling twine.

Today, thanks to the incredible efforts of local communities, Montana students rank among the top in the nation. Montana 8<sup>th</sup> graders rank 1<sup>st</sup> in the nation in science achievement, 3<sup>rd</sup> in reading, 3<sup>rd</sup> in math, and 11<sup>th</sup> in writing. I am incredibly proud of those students. And I'm proud of the parents, teachers, and communities that support them. Montana taxpayers invest their money, and, more importantly, their children in our public schools and they deserve to know that our schools are maintaining accountability for preparing our students for the world of the 21<sup>st</sup> Century. Academic standards provide that accountability.

That is why the Montana Legislature funded the development of new academic standards to "raise the bar" to challenge all students to learn and achieve at higher levels. Hundreds of educators, school board members, parents, and community leaders around the state worked to develop these standards that the Board of Public Education recently approved.

Now, the real work begins. Now, we have to make sure that our classroom teachers are given the support they need to help our students meet these standards. We need to continue to use testing and other forms of assessment to measure our progress, and we need to make sure that our teachers are given the skills and knowledge to help our children succeed. Montana students are our greatest resource; if we invest in them, there is no telling where they can take this state.

I am very excited about the broad bipartisan support at the federal level for exactly the kind of assessment and teacher development programs that Montana has already got a jump-start on. I am eager to work with the Bush administration on programs to improve our schools, while still maintaining local control of curriculum. And I am

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

encouraged by the high priority President Bush has put on education.

One of the most important reasons for the success of our schools is that Montana maintains small class sizes that allow our teachers time to give their kids the attention and help they need. It is one of the many reasons why maintaining school funding is so important. We need to fund education, not because of its political fallout and not because it helps teachers. We need to fund education because your children and grandchildren deserve the chance to learn.

I stand before you as a concerned teacher, not a politician, when I say to you that the proposed budget in House Bill 121 actually reduces current school funding levels by \$18 million. Schools cannot afford it. Children cannot afford it. And, Montana cannot afford it.

You'll have to forgive me for a moment for doing a little teaching - I can't help it, it's who I am. I want to talk a little about what has happened to school funding over the past decade. In 1993, the legislature redesigned the school funding formula to avoid the \$30 million increase that increased enrollment required; then in a special session later that year they cut another \$20 million in school funding. The state then made no significant increase in the school funding rates until the last biennium.

However, even with the increases in the 1999 session and the 2000 special session, funding levels are barely where they were before the 1993 cuts. Yet, schools' fixed costs have risen dramatically over that time, even before schools were faced with the skyrocketing costs of energy, leaving school districts desperate to meet their costs. So far, districts have been able to shield children, as much as possible, from the cuts, but that time has run out. No increase in funding levels, combined with the \$18 million decrease due to declining enrollment, will devastate those budgets.

Let me tell you what these cuts will mean to schools. For several districts, including Missoula, Butte, and Livingston, it may mean shutting down entire schools. For the seven AA districts around the state it could lead to the layoff of over 200 teachers. Let me repeat that, 200 teachers in 7 communities. I've been told that the number could be as high as 400 to 500 teachers in communities around the state. That means teachers aren't in the classrooms. It also means they won't be in the supermarkets, won't be building homes, won't be paying taxes. That hurts our economy.

Cuts in school budgets will mean larger class sizes. They will mean less personal attention in those early grades that are so crucial when kids are struggling to learn how to read and write. In the upper grades, it will mean cuts in programs to keep at-risk students from dropping out. It will mean the loss of opportunities: from music to math. It will mean cuts in the increasingly important vocational training our young folks need to be prepared for the work force. It will mean out-of-date textbooks. It will mean schools cutting into general fund budgets to pay for the state's failure to fund special education.

These are the very real effects of budget cuts on schools. Now, let me tell you about the effect on our classrooms. Let me give you just one example out of many. I would like to recognize Mona Bilden from Miles City up there in the Gallery today. Mona represents the dedication of Montana teachers. Let me tell you a story; one that is all too common around the state. Mona Bilden was sick and tired of budget cuts hurting the education of her students, so she went out and sacrificed over \$500 of her own money to buy the supplies she needed for her classroom. This situation cannot continue. Teachers like Mona simply will not be able to keep our budget cuts from hurting our kids. Our children cannot be charity cases.

I give you these examples because I know that with charts and graphs in the millions of dollars it can be difficult, at times, to see the children through the numbers. However, when I urge you to support House Bill 31, the school

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

funding proposal put forward by the education community, I give you my word that school funding dollars do touch the lives of children. They mean valuable minutes a teacher can spend helping a student struggle over a spelling word or a long division problem. School funding dollars mean technology skills that could make the difference between finding a job in Montana or being forced to pack up and leave. They mean a chemistry or English class that makes someone decide to go to college, or a band or basketball program that keeps forgotten students in school and learning.

Finding the money to fund our schools is never easy. You face incredibly difficult decisions. But, funding schools is a question of priorities and a question of commitment. We are not talking luxuries; we are talking about our children's basic and constitutional right to a quality education.

Because of declining enrollment there will be \$31 million of unspent money in the two years of this biennium. All of that money should go back into school funding. With skyrocketing energy costs hitting schools as sharply as they are hitting homeowners, and given the rising fixed costs that they face, taking that money away from schools to fund shortfalls really is balancing the budget on the backs of our children. It is unacceptable.

I ask you to stop parents, teachers, and school trustees from having to come to Helena as beggars and have this same fight year after year. We should not have to reinvent the wheel each session. I ask you to work with me to come up with a ten-year plan to return state funding of education to where it needs to be. The interim study committee proposed by my office is the first step in that process, and I look forward to the prospect of finding a long term solution to our school funding problem.

My father always taught me to roll up my sleeves and work until the job is done. When I saw my father roll up his sleeves, I knew that he was serious and committed. It wasn't until later that I realized that my family has short arms, so we pretty much have to roll up our sleeves to do anything.

My sleeves are rolled up, and I am committed to school funding, and to working with all parties to find a solution. I am not interested in playing the blame game. I will work with you as long and as hard as we have to, and I will make sure that my staff does the same. We can, and we must, find a way to properly fund our schools. And I will be here as long as it takes.

I also pledge to work just as hard on the other challenges that face our schools: ending school violence, facing the approaching crisis in teacher shortages, better integrating Montana public schools and institutions of higher education, and fighting the devastatingly high dropout rate among American Indian students. Something must be done to address these issues, and together we must find a solution.

First and foremost, our classrooms must be safe. The devastation of school violence casts a shadow over all our schools, and threats and bullying hurt our children's ability to learn and crush their self-respect. These are issues that affect all of us. That is why the solution must come from all of us as a community. I will work with students, parents, and educators, joining forces with law enforcement, church, and civic leaders to help local communities prevent violence and promote school safety and character education. These programs must teach Montana community values like honesty, respect, and responsibility.

I applaud Governor Racicot's task force for taking the first steps to deal with teacher shortages. I urge the legislature to adopt those programs and I will work with Governor Martz to continue the work that task force began.

I am committed to creating a seamless K through 16 education system. I plan to be fully engaged with higher education, making full use of my constitutional position on the Board of Public Education, the Board of Regents

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

and the combined Board of Education to further that goal.

Some of our gravest educational concerns are the challenges faced by our American Indian students. I will spotlight those challenges and continue to work with the tribal governments and colleges, the governor, and local school districts to help our Indian students get the education they need. I am committed to thinking outside the box and working to find new ideas and solutions to address these serious issues. Right now we are losing too many of our Montana Indian students; they cannot be left behind.

I am a teacher and a school librarian. Literacy and reading are my passion. I'm proud that Montana children rank 3<sup>rd</sup> in the nation for reading, but too many children are still left behind. Of the 60 Montana schools identified as "in need of improvement," the majority of whom are identified because of a failure of children to read at a proficient level. Children who can't read are at higher risk for everything from dropping out of school to being able to hold a decent job. As state superintendent, I will launch a Montana Literacy Initiative, starting with a Literacy Summit later this year, to focus the attention of parents, teachers, community and business leaders on the importance of reading and literacy. There is no issue closer to my heart.

I pledge to you that I will work hard to make your investment in education pay off. I will put my full effort into strengthening that essential bond between education and economic development. I will work with the leaders of business, labor, agriculture, economic development, and higher education to make sure our students are ready to be the future of Montana's workforce.

Next Wednesday, I will join Senator Max Baucus in Bozeman at a summit regarding the role of education in economic development. We will discuss how Montana schools need to adapt to give our students the tools to rebuild Montana's economy and be able to stay here and put their own kids into our public schools.

Montana must increase our investment in vocational and technical education. Half a century ago, only 20 percent of the American workforce was made up of skilled labor; today, that number has risen to 60 percent. Yet, Montana's spending on career and technical education, including agriculture, industrial technology, and business education, is considerably lower than the rest of the states in the region and country. Economic experts ranging from Qwest to the Montana World Trade Center tell us that one of the best ways to create jobs and raise wages in Montana is to make sure our students are trained for the workforce. This is one economic development program that is a concrete problem with a concrete solution. Give our schools the tools they need and we will turn out the best-trained students in the world!

I know that we Montanans can do whatever we put our minds to. I would like to leave you with a story of how far an honest, hard-working Montanan can go with a quality education.

It is the story of an 8<sup>th</sup> grade dropout, working as a mine mucker in the copper mines of Butte; a young man who made the best decision of his life by falling in love with a schoolteacher. (My husband, I might add, made the same wise choice.) He was a man of amazing potential, but whose life wasn't going anywhere when he met the woman who would become his wife. In his own words, "She put some sense into me, told me to go to school and make something of myself, and I did."

He certainly did. He completed his high school equivalency, and went to the University of Montana. His wife cashed in her life insurance policy to put him through college, where he would go on to teach as a professor. And that story would be success enough, even if she hadn't convinced him to run for, and helped him win, a seat in the United States Congress, where he would serve five terms before moving on to the Senate where he held the position of Majority Leader longer than anyone else in U.S. history. Finally, he completed his career as Ambassador to Japan under the Carter and Reagan administrations.



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

That couple was, of course, Mike and Maureen Mansfield, two of Montana's greatest heroes. They show us what we are capable of. And, if you ask Mike Mansfield the reasons for his success, his answer will always be the same: his wife and his education.

Montanans can do anything. There is simply no doubt of it. But the State of Montana's education is at a fork in the road. Schools can no longer just cut corners and still preserve student services. This round of cuts will hurt students. The decision whether or not to fund schools is in your hands, and I'm proud to stand here with you and make sure we find a way to do it.

Like Mike Mansfield, Montana's students hold incredible potential to rebuild this state. If we let them, there is no telling how far they can take us.

But we must not waste their potential. Shortchanging our children is shortchanging our future. We must invest in our schools.

To paraphrase the late Maureen Mansfield, "We, as a state, need to go to school and make something of ourselves." Thank you very much!

The committee escorted the Superintendent of Public Instruction from the House Chamber.

Senator Thomas moved that the joint session of the 57<sup>th</sup> legislature be adjourned. Motion carried.

House recessed at 2:03 p.m.

House reconvened at 5:00 p.m. Mr. Speaker in the chair. All members present, except Representatives R. Brown and Gallus, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Hedges, Chairman):

2/16/2001

**HB 495**, do pass. Report adopted.

**HB 498**, do pass. Report adopted.

**HB 531**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Following:** "LEASED"

**Insert:** "OR SOLD"

2. Page 2, line 1.

**Following:** "equipment plate"

**Insert:** "or for which a special demonstration permit"

3. Page 2, line 2.

**Following:** "plate"

**Insert:** "or the date determined pursuant to subsection (4)"

4. Page 2, line 17.

**Following:** "leases"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Insert:** "or sells"

5. Page 2, line 19.

**Following:** "lease"

**Insert:** "or the date of the sale"

And, as amended, do pass. Report adopted.

**HB 552**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "(1)"

**Insert:** "(a)"

2. Page 1, line 15.

**Following:** "charge"

**Insert:** "of \$5 to \$75, subject to subsection (1)(b),"

3. Page 1, line 17.

**Following:** "85-7-2104."

**Insert:** "(b)"

**Following:** "charge"

**Insert:** "may exceed \$75, but the charge"

And, as amended, do pass. Report adopted.

**HB 599**, do pass. Report adopted.

**HJR 21**, be adopted. Report adopted.

**HJR 25**, introduced joint resolution, be amended as follows:

1. Page 1, line 10.

**Following:** "WHEREAS,"

**Strike:** "much of this"

**Insert:** "approximately 600,000 acres of the burned"

2. Page 1, line 10 and 11.

**Strike:** ",over" on line 10 through "alone" on line 11

And, as amended, be adopted. Report adopted.

**APPROPRIATIONS** (Vick, Chairman):

2/16/2001

**HB 533**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Following:** ";

**Insert:** "CLARIFYING THAT CHANGES MUST BE APPROVED IN WRITING;"

2. Page 4, line 13.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Following:** "."

**Insert:** "The forms must be signed."

3. Page 5, line 4.

**Following:** "transfer"

**Insert:** "in writing"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

2/16/2001

**HB 517**, introduced bill, be amended as follows:

1. Page 1, line 17 through line 18.

**Strike:** "when" on line 17 through "return" on line 18

2. Page 1, line 20 through line 22.

**Following:** "companies"

**Strike:** ", " on line 20 through "industries" on line 22

And, as amended, do pass. Report adopted.

**HB 519**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Following:** "machine"

**Strike:** "on"

**Insert:** "during the 12-month period ending"

2. Page 3, line 20.

**Following:** "machine"

**Strike:** "on"

**Insert:** "during the 12-month period ending"

And, as amended, do pass. Report adopted.

**HB 537**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** " ; "

**Insert:** "INCREASING THE REQUIRED SURPLUS FUNDS ; "

2. Page 2, line 26.

**Strike:** "\$100,000"

**Insert:** "\$200,000"

3. Page 2, line 27.

**Strike:** "\$20,000"

**Insert:** "\$50,000"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

4. Page 3, line 25 through page 4, line 2.

**Strike:** "(3)" on page 3, line 25 through "." on page 4, line 2

And, as amended, do pass. Report adopted.

**HB 559**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 2/16/2001  
**HB 374**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "policy."

**Strike:** remainder of line 11 through "state"

**Insert:** "The legislature finds and declares"

2. Page 1, line 17.

**Following:** "their"

**Strike:** "proximity"

**Insert:** "isolation"

3. Page 1, lines 25 through 30.

**Following:** "recognize" on line 25

**Strike:** remainder of line 25 through "members" on line 26

**Insert:** "the"

**Following:** "citizenship"

**Strike:** "and as"

**Insert:** "that"

**Following:** "Indians"

**Strike:** ", and"

**Insert:** "are entitled to"

**Following:** "state" on line 26

**Strike:** remainder of line 26 through "America" on line 30

4. Page 2, line 1.

**Following:** "are"

**Insert:** "domestic"

**Following:** "dependent"

**Strike:** "domestic"

5. Page 2, line 8.

**Strike:** "federal law"

**Insert:** "their respective relationships with the federal government, all of which influence the relationships among tribes and between the tribes and the state"

6. Page 2, lines 11 through 14.

**Following:** "borne" on line 11

**Insert:** "in part"

**Following:** "agencies"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Strike:** remainder of line 11 through "problems" on line 14

7. Page 2, line 15.

**Following:** "those"

**Strike:** "solely"

8. Page 2, line 16.

**Following:** "government"

**Insert:** "or tribal governments"

9. Page 2, line 22.

**Following:** "social"

**Strike:** "services"

**Insert:** "services"

10. Page 2, line 24.

**Following:** "~~that~~"

**Insert:** "to facilitate the discussion and resolution of issues and concerns that Indian tribes have in relation to the state, the federal government, and among themselves,"

11. Page 2, lines 27 and 28.

**Following:** "communicating" on line 27

**Strike:** "their opinions and needs"

**Insert:** "these concerns and interests"

**Following:** first "to" on line 28

**Insert:** "relevant"

**Following:** "~~of~~"

**Strike:** "with responsibility"

12. Page 2, line 29.

**Following:** "assist"

**Strike:** "them"

**Following:** "organizing"

**Strike:** "their"

**Insert:** "these"

13. Page 3, line 1.

**Following:** "~~classification~~"

**Strike:** "they"

**Insert:** "the Indian people"

14. Page 3, line 4.

**Following:** first "tribes"

**Strike:** "on shared goals and basic principles"

15. Page 3, line 5.

**Following:** "parties"

**Insert:** "on shared goals and principles"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

16. Page 3, line 11.

**Following:** "(a)"

**Insert:** "meet at least quarterly with tribal governments and"

17. Page 3, line 12.

**Following:** "meet"

**Strike:** "quarterly with tribal governments and"

**Insert:** "with"

18. Page 3, line 13.

**Following:** "and"

**Strike:** "department"

**Insert:** "state agency"

19. Page 3, line 16.

**Following:** "problems"

**Insert:** "and issues"

20. Page 3, line 17.

**Following:** "problems"

**Insert:** "and issues"

21. Page 3, line 20.

**Following:** "act"

**Strike:** "on behalf of"

**Insert:** "as a liaison for"

22. Page 3, line 21.

**Following:** "tribal"

**Insert:** "governmental"

23. Page 4, line 7.

**Following:** "(a)"

**Insert:** "meet at least quarterly with tribal governments and"

**Following:** "~~shall~~"

**Insert:** ";

24. Page 4, line 8.

**Following:** "meet"

**Strike:** "quarterly with tribal governments and"

**Insert:** "with"

25. Page 4, line 9.

**Strike:** "department"

**Insert:** "state agency"

26. Page 4, line 12.

**Following:** "problems"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Insert:** "and issues"

27. Page 4, line 14.

**Following:** "problems"

**Insert:** "and issues;"

28. Page 4, line 16.

**Following:** "affairs"

**Insert:** ";"

29. Page 4, line 17.

**Strike:** "on behalf of"

**Insert:** "as a liaison for"

30. Page 4, line 18.

**Following:** "tribal"

**Insert:** "governmental"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

2/16/2001

**HB 282**, do pass. Report adopted.

**HB 454**, introduced bill, be amended as follows:

1. Title, line 8.

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

2. Page 1, line 21.

**Following:** "(1)"

**Strike:** "The"

**Insert:** "In addition to any other either-sex elk permits offered for sale, the "

3. Page 1, line 22.

**Following:** "permit"

**Insert:** "at no cost"

4. Page 1, line 25.

**Following:** "own"

**Strike:** "at least 5,000 acres of"

**Following:** "habitat"

**Strike:** "or a lesser amount of land"

5. Page 1, line 29.

**Strike:** "reasonable"

6. Page 2, line 2 through line 3.

**Following:** "may not" on line 2

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Strike:** remainder of line 2 through "year" on line 3

**Insert:** "be a cooperating landowner in the state hunter management program, hunting access enhancement program, or block management program"

7. Page 2, line 4.

**Strike:** "A permit may be"

**Insert:** "Not more than 20% of permits"

**Following:** "section"

**Insert:** "may be issued"

8. Page 2, line 5.

**Following:** "authorized"

**Insert:** "full-time"

9. Page 2, line 5.

**Following:** "landowner."

**Insert:** "The remaining 80% must be issued to the public on a first-come, first-serve basis."

10. Page 2, line 10 through line 13.

**Following:** "(5)" on line 10

**Strike:** remainder of line 10 through "section, the" on line 13

**Insert:** "The"

11. Page 2, line 17.

**Following:** "landowner"

**Insert:** "or landowner's designee"

12. Page 2, line 29.

**Following:** "effective"

**Strike:** "March 1, 2002"

**Insert:** "on passage and approval"

And, as amended, do pass. Report adopted.

**HB 554**, do pass. Report adopted.

**SB 54**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/17/2001

**HB 151**, introduced bill, be amended as follows:

1. Page 6, line 8.

**Strike:** "or the probation and parole officer"

2. Page 8, line 4.

**Following:** "center"

**Insert:** ", with credit for time served since the time of arrest,"

And, as amended, do pass. Report adopted.



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**HB 254**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "EFFECT"

**Insert:** "FOR 120 DAYS OR"

2. Title, line 6.

**Following:** "SECTIONS"

**Strike:** "25-13-101, 25-13-102,"

**Following:** "25-13-402"

**Strike:** ", "

**Insert:** "AND"

**Following:** "25-13-404,"

**Strike:** "AND"

3. Title, line 7.

**Strike:** "25-13-614,"

4. Page 1, line 11 through line 23.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

5. Page 1, line 26.

**Following:** "shall"

**Insert:** ", subject to subsection (5),"

6. Page 1, line 27.

**Strike:** "60"

**Insert:** "120"

7. Page 2, line 7 through line 8.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

8. Page 2, line 13.

**Following:** "If"

**Strike:** "Subject to 25-13-614(5), if"

**Insert:** "If"

9. Page 2, line 14.

**Strike:** "60"

**Insert:** "120"

10. Page 2, line 16.

**Following:** line 15

**Insert:** "(5) (a) A levy upon the earnings of a judgment debtor continues in effect for 120 days or until the judgment is satisfied, whichever occurs first. The levy applies to all pay periods beginning on the date of service through the expiration of the writ.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

(b) The sheriff or levying officer shall clearly mark the date and time of service and the expiration date upon all served copies of the writ and notice.

(c) The requirements of 25-13-211 are considered satisfied by the one-time service of the notification of seizure upon the judgment debtor during the period for which the levy upon the earnings of a judgment debtor is in effect. The notification must be served within 5 days of receipt of the first payment by the sheriff or levying officer. The 10-day holding period described in subsection (3) runs from the date of notification of seizure with respect to the first payment and from the date of the receipt of subsequent payments.

(d) Except as provided in subsection (6), multiple levies served under subsection (5) have priority according to the date and time of service upon the employer.

(e) The return of service on a levy upon the earnings of a judgment debtor is returned in the same manner provided for in 25-13-404.

(6) Nothing in this section is intended to supersede any state or federal laws regarding priority that must be given to certain levies and executions."

11. Page 2, lines 18 and 19.

**Strike:** "25-13-614(5)" on line 18 through "(2) and" on line 19

**Insert:** "25-13-402(5) and subsection"

12. Page 2, line 20.

**Strike:** "60"

**Insert:** "120"

13. Page 2, line 23.

**Strike:** "90"

**Insert:** "120"

14. Page 2, line 23 through line 24.

**Following:** "sheriff" on line 23

**Strike:** remainder of line 23 through "officer" on line 24

15. Page 2, line 29 through page 3, line 26.

**Strike:** section 5 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 261**, introduced bill, be amended as follows:

1. Page 1, line 20 through page 2, line 2.

**Strike:** subsections (2) and (3) in their entirety

**Renumber:** subsequent subsections

2. Page 2, line 12 through line 16.

**Strike:** subsection (5) in its entirety

3. Page 2, line 22.

**Following:** "knowingly"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Insert:** "engages in"

4. Page 2, line 23 through line 29.

**Strike:** subsections (a) through (c) in their entirety

**Insert:** "(a) the procurement, possession, or use of chemicals, precursors to dangerous drugs, supplies, equipment, or a laboratory location for the criminal production or manufacture of dangerous drugs as prohibited by 45-9-110;

(b) the transportation of or arranging for the transportation of chemicals, precursors to dangerous drugs, supplies, or equipment for the criminal production or manufacture of dangerous drugs as prohibited by 45-9-110;

(c) the setting up of equipment or supplies in preparation for the criminal production or manufacture of dangerous drugs as prohibited by 45-9-110; or

(d) the sale or other distribution or disposal of chemicals, precursors to dangerous drugs, supplies, equipment, or products used in or produced by the criminal production or manufacture of dangerous drugs as prohibited by 45-9-110.

5. Page 3, line 4 through line 5.

**Strike:** "the" on line 4 through "that" on line 5

**Insert:** "[section 1 of House Bill No. 521] is complied with and"

6. Page 3, line 6.

**Strike:** "to human health or safety or a danger to the environment"

**Insert:** "of death of or serious bodily injury to another"

7. Page 3, line 10 through line 11.

**Strike:** "the" on line 10 through "that" on line 11

**Insert:** "[section 1 of House Bill No. 521] is complied with and"

8. Page 3, line 15.

**Following:** "provisions of Title 45"

**Strike:** ", chapter 9, part 1,"

9. Page 3, line 17.

**Insert:** "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 521 is not passed and approved, then the words "[section 1 of House Bill No. 521] is complied with and" must be deleted from subsections (3) and (4) of [section 2 of this act]."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 313**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "PROVIDING" on page 1, line 5 through "FACILITATORS;" on page 1, line 6

2. Page 1, line 20 through line 29.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

3. Page 2, line 1.

**Strike:** "15]"

**Insert:** "4]"

4. Page 2, line 5 through line 13.

**Strike:** subsections (2) through (4) in their entirety

**Renumber:** subsequent subsections

5. Page 2, line 17.

**Strike:** "15]"

**Insert:** "4]"

6. Page 2, line 18.

**Strike:** subsection (7) in its entirety

**Renumber:** subsequent subsections

7. Page 2, line 21.

**Following:** "location"

**Insert:** "and confidential information not related to the offense"

8. Page 2, line 26 through line 27.

**Strike:** subsection (11) in its entirety

**Renumber:** subsequent subsections

9. Page 2, line 24.

Page 2, line 25.

Page 2, line 29.

Page 5, line 4, in two places.

Page 5, line 24.

Page 5, line 26.

Page 6, line 25, in two places.

Page 7, line 2, in two places.

Page 7, line 3, in two places.

Page 7, line 9, in two places.

Page 7, line 11, in two places.

**Strike:** "certified"

10. Page 3, line 1.

**Strike:** "psycho educational"

**Insert:** "psychoeducational"

11. Page 3, line 12 through page 4, line 26.

**Strike:** section 3 through section 5 in their entirety

**Renumber:** subsequent sections

12. Page 3, line 8 through line 9.

**Strike:** subsection 15 in its entirety

**Renumber:** subsequent subsection

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

13. Page 5, line 3.

**Following:** "report"

**Insert:** "related to the offense charged"

14. Page 5, line 5.

**Following:** "counseling."

**Insert:** "Before the report is sent, information in the report that relates to the victim's location or does not relate to the charged offense must be deleted."

15. Page 5, line 6.

**Strike:** "court's"

16. Page 5, line 11 through page 6, line 8.

**Strike:** section 7 through section 8 in their entirety

**Renumber:** subsequent sections

17. Page 6, line 23 through line 26.

**Strike:** section 10 in its entirety

**Renumber:** subsequent sections

18. Page 7, line 10.

**Strike:** "extreme"

**Insert:** "imminent"

19. Page 7, line 15 through page 8, line 12.

**Strike:** section 12 through section 15 in their entirety

**Renumber:** subsequent sections

20. Page 9, line 30.

**Strike:** "15"

**Insert:** "4]"

21. Page 11, line 5.

**Strike:** "2"

**Insert:** "1]"

22. Page 11, line 6.

**Strike:** "2"

**Insert:** "1]"

23. Page 11, line 9.

**Following:** "location"

**Insert:** "or not related to the charged offense"

24. Page 11, line 14.

**Strike:** "2"

**Insert:** "1]"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

25. Page 11, line 16.

**Strike:** "2"

**Insert:** "1]"

26. Page 11, line 19.

**Following:** "program."

**Insert:** "The preliminary assessment and counseling must be:

(i) with a person licensed under Title 37, chapter 17, 22, or 23;

(ii) with a professional person as defined in 53-21-102; or

(iii) in a specialized domestic violence intervention program."

27. Page 11, line 25 through line 30.

**Strike:** line 25 through line 30 in their entirety

28. Page 12, line 13 through line 18.

**Strike:** section 18 in its entirety

**Renumber:** subsequent section

29. Page 12, line 20.

**Strike:** "15]"

**Insert:** "4]"

30. Page 12, line 21 through line 22.

**Following:** "integral part of" on line 21

**Strike:** "Title 37" on line 21 through end of line 22

**Insert:** "Title 45, chapter 5, part 2, and the provisions of Title 45 apply to [sections 1 through 4]."

And, as amended, do pass. Report adopted.

**HB 419**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AGRICULTURE"

**Insert:** "FISH"

2. Title, page 1, line 6.

**Strike:** "NATURAL RESOURCES"

**Insert:** "PARKS"

3. Page 1, line 10.

**Strike:** "Natural resources"

**Insert:** "Fish, wildlife, and parks"

**Strike:** "natural resources"

**Insert:** "fish, wildlife, and parks"

4. Page 1, line 12.

**Strike:** "shall"

**Insert:** "may"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

5. Page 1, line 13.

**Following:** "prosecute"

**Insert:** "criminal"

6. Page 1, line 13 through line 14.

**Strike:** "departments" on line 13 through "conservation" on line 14

**Insert:** "department of fish, wildlife, and parks"

7. Page 1, line 15 through page 19.

**Strike:** ":" on line 15 through "attorneys" on line 19

**Insert:** "a half-time attorney"

8. Page 1, line 20.

**Strike:** "departments"

**Insert:** "department"

9. Page 1, line 20.

**Following:** "of,"

**Insert:** "criminal"

10. Page 1, line 20 through line 21.

**Strike:** "agriculture" on line 20 through "laws" on line 21

**Insert:** "Title 87"

And, as amended, do pass. Report adopted.

**HB 471**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "MANUFACTURED"

**Insert:** "FACTORY-BUILT MODULAR"

2. Title, line 6.

**Strike:** "MANUFACTURED"

**Insert:** "FACTORY-BUILT MODULAR"

3. Title, line 11.

**Strike:** "HOUSING TO EXTEND A LINE OF CREDIT"

**Insert:** "INVESTMENTS TO MAKE AN INTERCAP LOAN"

4. Title, lines 14 and 15.

**Following:** "ONCE THE" on line 14

**Strike:** "LINE OF CREDIT"

**Insert:** "LOAN"

**Following:** "APPROPRIATING THE"

**Strike:** remainder of line 14 through "CREDIT" on line 15

**Insert:** "LOAN PROCEEDS"

5. Page 1, line 20.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Strike:** "manufactured"

**Insert:** "factory-built modular"

6. Page 1, line 21.

**Strike:** "manufactured"

**Insert:** "factory-built modular"

7. Page 1, line 27.

**Strike:** "manufactured"

**Insert:** "factory-built modular"

8. Page 1, line 28.

**Strike:** "housing for any line of credit extended"

**Insert:** "investments for any intercap loan made"

9. Page 3, line 7.

**Strike:** "manufactured"

**Insert:** "factory-built modular"

10. Page 3, line 8.

**Strike:** "manufactured"

**Insert:** "factory-built modular"

**Strike:** "."

**Insert:** ". Homes built by the program must be constructed in a manner that will achieve energy conservation goals similar to the goals established for the weatherization and energy assistance programs described in 90-4-201."

11. Page 4, line 22.

**Strike:** "manufactured"

**Insert:** "factory-built modular"

12. Page 6, line 25.

**Following:** "and"

**Insert:** "and"

13. Page 6, line 28 through page 7, line 1.

**Following:** "means" on line 28

**Strike:** remainder of line 28 through "11" on page 7, line 1

14. Page 7, lines 2 and 3.

**Following:** "shall" on line 2

**Strike:** remainder of line 2 through "a" on line 3

15. Page 7, lines 4 through 6.

**Strike:** "manufactured" on line 4

**Insert:** "factory-built modular"

**Following:** "11" on line 4

**Strike:** remainder of line 4 through "homes" on line 6



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

16. Page 7, line 8.

**Strike:** "Line of credit"

**Insert:** "Loan"

**Strike:** "manufactured"

**Insert:** "factory-built modular"

17. Page 7, line 9.

**Strike:** "line of credit extended"

**Insert:** "board of investments may make an intercap loan to the department of corrections in an amount that does not exceed \$2 million. The amount of the loan made"

18. Page 7, line 10.

**Strike:** "by the board of housing under 90-6-104"

**Strike:** "manufactured"

**Insert:** "factory-built modular"

19. Page 7, line 12.

**Strike:** "line of credit"

**Insert:** "loan proceeds"

20. Page 7, line 20.

**Strike:** "line of credit"

**Insert:** "loan"

**Strike:** "housing"

**Insert:** "investments"

21. Page 7, line 21.

**Strike:** "manufactured"

**Insert:** "factory-built modular"

And, as amended, do pass. Report adopted.

**HB 521**, do pass. Report adopted.

**HB 560**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "an"

**Insert:** "a written"

2. Page 1, line 24.

**Strike:** "an"

**Insert:** "a written"

And, as amended, do pass. Report adopted.

**HB 603**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Strike:** "REQUIRING" on line 6 through "AGENCY" on line 7

**Insert:** "EXPANDING THE REQUIREMENTS FOR NOTICE TO AND INTERACTION WITH THE ATTORNEY GENERAL WHEN A STATE AGENCY IS A PARTY TO A PROCEEDING FOR WHICH JUDICIAL REVIEW IS SOUGHT"

2. Page 1, line 14.

**Following:** "general"

**Insert:** "when state is party to judicial review -- consultation with attorney general"

3. Page 1, line 14 through line 17.

**Strike:** "When" on line 14 through "days" on line 17

**Insert:** "(1) If the state or a department, officer, or board of the state appeals from a judgment or order entered in any court or files a petition for a writ seeking review of a matter in any appellate court, the attorney representing the state, department, officer, or board shall notify the attorney general within a reasonable time in advance of the filing of the notice or petition. The attorney shall serve a copy of the notice of appeal or of the petition on the attorney general and provide the attorney general on request a copy of the order, judgment, or opinion for which review is sought.

(2) If a notice of appeal or petition for a writ seeking review in any appellate court is served upon the state or a department, officer, or board of the state, the party serving the notice or petition shall serve a copy on the attorney general as well as on any other counsel required by law to be served.

(3) Upon request of the attorney general, the attorney litigating a matter before an appellate court on behalf of the state or a department, officer, or board of the state for which service on the attorney general is required under this section shall consult with the attorney general as to the litigation of the matter before the appellate court"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/16/2001

**HB 371**, do pass. Report adopted.

**HB 439**, do pass. Report adopted.

**HB 440**, do pass. Report adopted.

**HJR 24**, be adopted. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/16/2001

**HB 304**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "REGULATIONS"

**Insert:** "BY LOCAL GOVERNING BODIES AND LOCAL BOARDS OF HEALTH"

2. Title, page 1, line 7.

**Following:** "BODY"

**Insert:** "OR A LOCAL BOARD OF HEALTH"

3. Title, page 1, line 8 through line 9.

**Following:** "REGULATION;"

**Strike:** "REDUCING" on line 8 through "SECTION" on line 9

**Insert:** "AMENDING SECTIONS 50-2-130 AND"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

4. Page 1.

**Following:** line 12

**Insert:** "Section 1. Section 50-2-130, MCA, is amended to read:

**"50-2-130. Local regulations no more stringent than state regulations rules or guidelines.** (1) After April 14, 1995, except as provided in subsections (2) through (4) or unless required by state law, the local board may not adopt a ~~rule regulation~~ under 50-2-116(1)(i), (2)(k)(iii), or (2)(k)(v) that is applicable to subdivisions that is more stringent than the comparable state regulations rules or guidelines that address the same circumstances. The local board may incorporate by reference comparable state ~~regulations rules or guidelines.~~

(2) The local board may adopt a ~~rule regulation~~ to implement 50-2-116(1)(i), (2)(k)(iii), or (2)(k)(v) that is applicable to subdivisions that is more stringent than comparable state regulations rules or guidelines only if the local board makes a written finding, after a public hearing and public comment and based on evidence in the record, that:

(a) the proposed local standard or requirement ~~protects~~ is necessary to protect public health or the environment; ~~and~~

(b) the applicable state rules or guidelines are inadequate to protect public health or the environment;

~~(b)(c)~~ (c) the proposed local board standard or requirement to be imposed can will mitigate harm to the public health or the environment as demonstrated by comparable information or peer-reviewed scientific studies, either of which relate directly to the specific local conditions that require the more stringent local standard or requirement; and

(d) the proposed local standard or requirement is achievable under current technology; and

(e) the cost to the regulated community to implement the proposed local standard or requirement is reasonable.

(3) The written finding must reference comparable information that relates to specific local conditions and peer-reviewed scientific studies contained in the record that forms the basis for the local board's conclusion. The written finding must also include information from the hearing record regarding the costs to the regulated community that are directly attributable to the proposed local standard or requirement.

(4) (a) A person affected by a ~~rule regulation~~ of the local board adopted after January 1, 1990, and before April 14, 1995, that that person believes to be more stringent than comparable state ~~regulations rules or guidelines~~ may petition the local board to review the ~~rule regulation~~. If the local board determines that the ~~rule regulation~~ is more stringent than comparable state ~~regulations rules or guidelines~~, the local board shall comply with this section by either revising the ~~rule regulation~~ to conform to the state ~~regulations rules or guidelines~~ or by making the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed ~~12~~ 3 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to comply with the challenged ~~rule regulation~~. The local board may charge a petition filing fee in an amount not to exceed \$250.

(b) A person may also petition the local board for a ~~rule regulation~~ review under subsection (4)(a) if the local board adopts a ~~rule regulation~~ after January 1, 1990, in an area in which no state ~~regulations rules or guidelines~~ existed and the state government subsequently establishes comparable ~~regulations rules or guidelines~~ that are less stringent than the ~~regulation~~ previously adopted by the local board rule."

**Renumber:** subsequent sections

5. Page 1, line 25.

**Strike:** "comparable"

**Insert:** "applicable"

6. Page 1, line 28.

**Following:** "by"

**Strike:** "site-specific information and"

**Insert:** "comparable information or"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

7. Page 1, line 29.

**Following:** "studies"

**Strike:** "relating directly to the"

**Insert:** ", either of which relate directly to the specific local"

8. Page 2, line 2.

**Following:** "is"

**Strike:** "not unreasonable"

**Insert:** "reasonable"

9. Page 2, line 3.

**Following:** "reference"

**Strike:** "site-specific information"

**Insert:** "comparable information that relates to specific local conditions"

10. Page 2, line 15.

**Strike:** "\$100"

**Insert:** "\$250"

11. Page 2, line 23.

**Following:** "amending"

**Insert:** "50-2-130, and [section 2(2) and (3)], amending"

And, as amended, do pass. Report adopted.

**HB 420**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "CONDEMNOR"

**Insert:** "PERSON"

2. Title, page 1, line 5.

**Strike:** "CONDEMNEE"

**Insert:** "PROPERTY OWNER"

**Strike:** "CONDEMNEE'S"

**Insert:** "PROPERTY OWNER'S"

3. Page 1, line 15 through line 17.

**Strike:** "The" on line 15 through "action." on line 17

**Insert:** "A person authorized by law to acquire a property interest through the right of eminent domain is required to provide the property owner with a statement of the property owner's rights if an eminent domain action occurs."

4. Page 1, line 28.

**Following:** " ;"

**Insert:** "and"

5. Page 1, lines 29 and 30.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Following:** "constitution"

**Strike:** "; and"

**Insert:** "."

6. Page 2, line 1.

**Strike:** line 1 in its entirety

And, as amended, do pass. Report adopted.

**HB 485**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "AND" through "USE"

2. Page 8, line 13.

**Following:** "(8)"

**Strike:** "(a)"

**Following:** "use"

**Strike:** "50%"

**Insert:** "100%"

3. Page 8, line 15 through line 16.

**Strike:** subsection (b) in its entirety

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

2/16/2001

**HB 116**, introduced bill, be amended as follows:

1. Page 22, line 2.

**Strike:** "on"

**Insert:** "from"

2. Page 23, line 13.

**Strike:** "on"

**Insert:** "from"

3. Page 25, line 30.

**Strike:** "first become"

**Insert:** "be"

And, as amended, do pass. Report adopted.

**HB 496**, introduced bill, be amended as follows:

1. Title, page 1, line 13.

**Following:** "YEARS;"

**Insert:** "AMENDING THE CONTENT OF THE LEVY NOTICE ON A WRIT OF EXECUTION;"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

2. Title, page 1, line 17.

**Following:** "25-13-101,"

**Insert:** "25-13-301,"

3. Page 4.

**Following:** line 7

**Insert:** "Section 8. Section 25-13-301, MCA, is amended to read:

**"25-13-301. Form and contents of writ.** (1) The writ of execution must:

(a) be issued in the name of the state of Montana, sealed with the seal of the court, and subscribed by the clerk;

(b) be directed to the sheriff or levying officer;

(c) intelligibly refer to the judgment, stating the court and the county where it was entered and, if it is for money, the amount of money and the amount actually due on the judgment; and

(d) require the sheriff or levying officer to act substantially as provided in this part.

(2) In executions, the amount of the execution must be computed and stated as near as may be possible in dollars and cents, rejecting fractions of a cent.

(3) A writ of execution served upon an employer of the judgment debtor must be accompanied by a document that reasonably describes the exemptions from execution provided in 25-13-614.

(4) A notice of levy provided by the sheriff or levying officer must contain the full name and last-known address of the judgment debtor and, if known by the judgment creditor, the judgment debtor's tax identification number or social security number."

**Renumber:** subsequent sections

4. Page 4, line 13.

**Strike:** "and"

5. Page 4, line 15.

**Following:** "judgment"

**Insert:** "; and"

(d) (i) personally serving the writ on the third party, if the property is held by a third party, or, if the third party is a corporation or other legal entity, personally serving the writ on an officer or other supervisory person of the entity; and

(ii) noting on the original writ and on the return of writ the time and date that the writ was personally served"

6. Page 4, line 22.

**Following:** "occurred."

**Insert:** "(4)"

**Renumber:** subsequent subsections

7. Page 4, line 23.

**Strike:** ", other than earnings of a judgment debtor,"

8. Page 4, line 25 through line 26.

**Following:** "made"

**Strike:** "to" on line 25 through "property" on line 26

9. Page 4, line 26.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

**Strike:** "2"  
**Insert:** "10"

10. Page 4, line 27.

**Following:** "levy"

**Insert:** "by delivering the assets or payments to the sheriff or levying officer"

And, as amended, do pass. Report adopted.

**HB 565**, do pass. Report adopted.

**TAXATION** (Story, Chairman):

2/16/2001

**HB 377**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "ENDOWMENTS;"

**Insert:** "ESTABLISHING LIMITATIONS FOR CERTAIN TECHNIQUES USED FOR PLANNED GIFTS TO QUALIFIED ENDOWMENTS; REDUCING THE AMOUNT OF THE CREDIT FOR PLANNED GIFTS AND FOR CHARITABLE GIFTS;"

**Following:** "AMENDING"

**Insert:** "SECTIONS 15-30-165, 15-30-166, AND 15-31-161, MCA, AND"

2. Page 1.

**Following:** line 9

**Insert:** "Section 1. Section 15-30-165, MCA, is amended to read:

**"15-30-165. (Temporary) Qualified endowments credit -- definitions.** For the purposes of 15-30-166, the following definitions apply:

(1) ~~"Planned gift"~~ Subject to subsection (3), "planned gift" means an irrevocable contribution to a permanent endowment held by a tax-exempt organization, or for a tax-exempt organization, when the contribution uses any of the following techniques that are authorized under the Internal Revenue Code:

- (a) charitable remainder unitrusts, as defined by 26 U.S.C. 664;
- (b) charitable remainder annuity trusts, as defined by 26 U.S.C. 664;
- (c) pooled income fund trusts, as defined by 26 U.S.C. 642(c)(5);
- (d) charitable lead unitrusts qualifying under 26 U.S.C. 170(f)(2)(B);
- (e) charitable lead annuity trusts qualifying under 26 U.S.C. 170(f)(2)(B);
- (f) charitable gift annuities undertaken pursuant to 26 U.S.C. 1011(b);
- (g) deferred charitable gift annuities undertaken pursuant to 26 U.S.C. 1011(b);
- (h) charitable life estate agreements qualifying under 26 U.S.C. 170(f)(3)(B);
- (i) paid-up life insurance policies meeting the requirements of 26 U.S.C. 170.

(2) "Qualified endowment" means a permanent, irrevocable fund that is held by a Montana incorporated or established organization that:

- (a) is a tax-exempt organization under 26 U.S.C. 501(c)(3); or
- (b) is a bank or trust company, as defined in Title 32, chapter 1, part 1, that is holding the fund on behalf of a tax-exempt organization. (Terminates December 31, 2001--sec. 9, Ch. 537, L. 1997.)

(3) (a) A contribution using a technique described in subsection (1)(a) or (1)(b) is not a planned gift unless the trust agreement provides that the trust may not terminate and the beneficiaries' interest in the trust may not be assigned or contributed to the qualified endowment sooner than the earlier of:

- (i) the date of death of the beneficiaries; or

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

(ii) 5 years from the date of the contribution.

(b) A contribution using the technique described in subsection (1)(g) is not a planned gift unless the payment of the annuity is required to begin within the life expectancy of the annuitant or of the joint life expectancies of the annuitants, if more than one annuitant, as determined using the actuarial tables described in section 72 of the Internal Revenue Code, 26 U.S.C. 72, in effect on the date of the contribution.

(c) A contribution using a technique described in subsection (1)(f) or (1)(g) is not a planned gift unless the annuity agreement provides that the beneficiaries' interest in the deferred gift annuity may not be assigned to the qualified endowment sooner than the earlier of:

(i) the date of death of the beneficiaries; or

(ii) 5 years after the date of the contribution."

**Insert:** "Section 2. Section 15-30-166, MCA, is amended to read:

**"15-30-166. (Temporary) Credit for contributions to qualified endowment.** (1) A taxpayer is allowed a tax credit against the taxes imposed by 15-30-103 or 15-31-101 in an amount equal to ~~50%~~ 40% of the present value of the aggregate amount of the charitable gift portion of a planned gift made by the taxpayer during the year to any qualified endowment. The maximum credit that may be claimed by a taxpayer for contributions made from all sources in a year is \$10,000. The credit allowed under this section may not exceed the taxpayer's income tax liability.

(2) The credit allowed under this section may not be claimed by an individual taxpayer if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-30-121(1) or 15-30-136(2).

(3) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2001--sec. 9, Ch. 537, L. 1997.)"

**Insert:** "Section 3. Section 15-31-161, MCA, is amended to read:

**"15-31-161. (Temporary) Credit for contribution by corporations to qualified endowment.** A corporation is allowed a credit in an amount equal to ~~50%~~ 20% of a charitable gift against the taxes otherwise due under 15-31-101 for charitable contributions made to a qualified endowment, as defined in 15-30-165. The maximum credit that may be claimed by a corporation for contributions made from all sources in a year under this section is \$10,000. The credit allowed under this section may not exceed the corporate taxpayer's income tax liability. The credit allowed under this section may not be claimed by a corporation if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-31-114. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2001--sec. 9, Ch. 537, L. 1997.)"

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 378**, introduced bill, be amended as follows:

1. Title, page 1, line 6 and line 7.

**Strike:** "ALLOCATING" on line 6 through "MCA" on line 7

**Insert:** "ALLOWING THE DEPARTMENT OF TRANSPORTATION TO ACCEPT GIFTS, GRANTS, OR DONATIONS FOR THE ACCOUNT"

2. Title, page 1, line 7 and page 8.

**Strike:** the second "AND" on line 7 through "DATE" on line 8



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

3. Page 1, line 12.

**Following:** "account."

**Insert:** "(1)"

4. Page 1.

**Following:** line 15

**Insert:** "(2) The department may accept gifts, grants, or donations for the engineering and operating study."

5. Page 1, line 17 through page 4, line 11.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

6. Page 4, line 19.

**Strike:** section 5 in its entirety

And, as amended, do pass. Report adopted.

**HB 578**, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/16/2001

**HB 461**, introduced bill, be amended as follows:

1. Page 7, line 15.

**Strike:** "under this subsection (10)(i)"

And, as amended, do pass. Report adopted.

**HB 502**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 33**, introduced by Gillan, Branae, Dell, Devlin, Eggers, Forrester, Fuchs, Glaser, Golie, Hedges, R. Holden, Hurdle, Laszloffy, Lenhart, Lindeen, Matthews, McCann, McGee, McNutt, Musgrove, Nelson, Noennig, Pease, A. Peterson, K. Peterson, Schrupf, Smith, Sprague, Steinbeisser, Waitschies, referred to Agriculture.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 167** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood,

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Bixby, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Gallik, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Mangan, McCann, Newman, Raser, Schmidt, Wanzenried.

Total 23

Voted Absentee: R. Brown, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 247** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Callahan, Erickson, Facey, Fritz, Gallik, Golie, Gutsche, Hurdle, Kaufmann, Keane, Mangan, Smith.

Total 12

Voted Absentee: R. Brown, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 387** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome,

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Gallik, Kaufmann, Keane, Newman, Raser, Story.

Total 6

Voted Absentee: R. Brown, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 392** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Adams, D. Brown, Kasten, Pattison, Smith, Witt.

Total 6

Voted Absentee: R. Brown, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 408** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Total 96

Noes: Galvin-Halcro, Lewis, Mood, Whitaker.

Total 4

Voted Absentee: R. Brown, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Sliter moved that **HB 456** be taken from the Committee on Appropriations and rereferred to the Committee of the Whole for Legislative Day 41. Motion carried

Representative Sliter moved that **HB 495** be taken from the Committee of the Whole and rereferred to the Committee on Agriculture. Motion carried.

Representative Sliter moved that **HB 598** be taken from the Committee on Judiciary and rereferred to the Committee on Appropriations. Motion carried.

Representative Schmidt moved to suspend the rules for introduction of a late Senate bill. There being no objections, so ordered.

Representative Sliter moved that **HB 565** be taken from the Committee of the Whole and rereferred to the Committee on State Administration. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, February 17, 2001. Motion carried.

House adjourned at 5:16 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTIETH LEGISLATIVE DAY**

Helena, Montana  
February 17, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative McKenney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative R. Brown, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-first, thirty-second, thirty-third, and thirty-fourth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/17/2001

Correctly printed: **HB 116, HB 143, HB 151, HB 254, HB 261, HB 282, HB 304, HB 371, HB 374, HB 377, HB 378, HB 397, HB 419, HB 420, HB 439, HB 440, HB 454, HB 461, HB 471, HB 485, HB 496, HB 498, HB 502, HB 517, HB 519, HB 521, HB 531, HB 537, HB 551, HB 552, HB 554, HB 559, HB 578, HB 599, HJR 21, HJR 24, HJR 25, SB 54.**

Correctly engrossed: **HB 442, HB 469, HB 489, HB 490, HB 505, HJR 6.**

Signed by the Speaker at 7:35 p.m., February 16, 2001: **HB 23, HB 37, HB 155, HB 220, HB 246.**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/13/2001

**HB 515**, introduced bill, be amended as follows:

1. Page 2, line 1.

**Strike:** "is in an"

**Insert:** "may return to"

2. Page 2, line 2.

**Strike:** "status"

**Following:** " - "

**Insert:** "The fire chief shall prescribe the duties of any retired volunteer firefighter returning to active service."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/16/2001

**SB 94**, introduced by Shea

**SB 116**, introduced by Stonington

**SB 257**, introduced by Bohlinger

**SB 259**, introduced by Tester

**SB 282**, introduced by Crismore

**SB 288**, introduced by Christiaens

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**SB 306**, introduced by Cocchiarella  
**SB 317**, introduced by Ellis  
**SB 329**, introduced by Roush  
**SB 330**, introduced by Mahlum  
**SB 334**, introduced by Grosfield  
**SB 356**, introduced by Hargrove  
**SB 386**, introduced by Waterman  
**SB 392**, introduced by Cobb  
**SB 394**, introduced by Shea  
**SB 419**, introduced by Grimes  
**SB 425**, introduced by Glaser

Senate joint resolution passed and transmitted to the House for concurrence:

2/16/2001

**SJR 14**, introduced by Franklin

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 613**, introduced by Vick, referred to Appropriations.

**MOTIONS**

Representative Sliter moved that **HB 559** be taken from the Committee of the Whole and rereferred to the Committee on Business and Labor. Motion carried.

Representative Clancy requested on **HB 442**, second reading yesterday, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Waddill requested on **HB 167, HB 247, HB 387, and HB 392**, third reading today, that his votes be shown as yes. There being no objections, so ordered.

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 8:08 a.m.

House reconvened at 3:00 p.m. All members present, except Representative D. Brown, R. Brown, E. Clark, P. Clark, Thomas, and Witt excused. Quorum present.

Representative Jacobson led the House in singing Happy Birthday to Representative Eggers.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):

2/17/2001

**HB 465**, introduced bill, be amended as follows:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

1. Title, page 1, line 4.

**Following:** "PENALTY"

**Insert:** "AND REPLACING IT WITH LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE"

**Following:** ";

**Insert:** "PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;"

2. Title, page 1, line 11.

**Strike:** "IMMEDIATE"

3. Page 40, line 1.

**Strike:** "[This act]"

**Insert:** "If approved by the electorate, this act"

**Strike:** "on passage and approval"

**Insert:** "January 1, 2003"

4. Page 40, line 9.

**Insert:** "NEW SECTION. Section 37. Submission to electorate. The question of whether this act will become effective shall be submitted to the qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot the full title of this act and the following:

    [] FOR abolishing the death penalty and replacing it with life imprisonment with no possibility of release.

    [] AGAINST abolishing the death penalty and replacing it with life imprisonment with no possibility of release."

And, as amended, do pass. Report adopted.

**HB 563**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ADDING"

**Insert:** "INCREASING THE TIME DURING WHICH A PERSON MAY BE CHARGED FOR"

**Strike:** "TO THE LIST OF"

2. Title, page 1, line 5.

**Strike:** "OFFENSES" through "TIME"

3. Page 1, line 13.

**Strike:** "an"

**Insert:** "a felony"

4. Page 1, line 14.

**Strike:** "at any time"

**Insert:** "within 15 years after it is committed, except that it may be commenced within 15 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred. A prosecution for a misdemeanor offense under those provisions may be commenced within 1 year after the offense is committed, except that it may be commenced within 5 years after the victim reaches 18 years of

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

age if the victim was less than 18 years of age at the time that the offense occurred"

And, as amended, do pass. Report adopted.

**HB 570**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "THE ATTORNEY" on line 4 through "GENERAL OR" on line 5

2. Title, page 1, line 6 through line 7.

**Strike:** "EXTENDING" on line 6 through "COMPLIANCE;" on line 7

3. Title, page 1, line 8 through line 10.

**Strike:** "PROVIDING" on line 8 through "APPROVED;" on line 10

4. Title, page 1, line 11.

**Following:** "85-2-122,"

**Insert:** "AND"

**Strike:** "AND 85-2-302,"

5. Page 2, line 6.

**Strike:** "attorney"

6. Page 2, line 7.

**Strike:** "general or a"

**Following:** "may"

**Insert:** "prosecute under 85-2-122(1) or"

**Following:** "action"

**Insert:** "under 85-2-122(2)"

7. Page 2, line 12.

**Strike:** "30"

**Insert:** "3"

8. Page 2, line 24.

**Strike:** "attorney general or a"

9. Page 2, line 25.

**Strike:** "the state or"

**Strike:** "as appropriate"

10. Page 3, line 5 through line 21.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 585**, do pass. Report adopted.



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**HJR 29**, be adopted. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 353** - Representative Fritz moved **HB 353** do pass.

**HB 353** - Representative Fritz moved **HB 353**, second reading copy, be amended as follows :

1. Title, lines 8 and 9.

**Strike:** "PROVIDING" on line 8 through "APPROPRIATION;" on line 9

2. Page 2, line 3 through line 6.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Curtiss, Laible, Laszloffy, Lehman, Tropila.

Total 6

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

Absent or not voting: None.

Total 0

Motion that **HB 353**, as amended, do pass carried as follows:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 73

Noes: Adams, Balyeat, Bitney, R. Brown, Brueggeman, Davies, Devlin, Esp, Fisher, Holden, Kasten, Laible, Laszloffy, McCann, Pattison, K. Peterson, Rice, Ripley, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt.  
Total 27

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Ayes; R. Brown, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 16** - Representative Haines moved **HJR 16** be adopted. Motion carried as follows:

Ayes: Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Shockley, Sliter, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker.  
Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Hedges, Himmelberger, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lehman, Mangan, Masolo, McCann, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Schrumpf, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.  
Total 45

Voted Absentee: D. Brown, P. Clark, Thomas, Ayes; R. Brown, E. Clark, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 17** - Representative Newman moved **HJR 17** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Balyeat, R. Brown, Curtiss, Dale, Devlin, Jayne, Kasten, Laible, Pattison, A. Peterson, Somerville, Story, Waitschies, Walters.  
Total 15

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes; R. Brown, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 332** - Representative Dale moved **HB 332** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 548** - Representative Jayne moved **HB 548** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 315** - Representative Gallik moved **HB 315** do pass.

**HB 315** - Representative Laszloffy moved **HB 315**, second reading copy, be amended as follows :

1. Page 5, line 1.

**Strike:** "shall"

**Insert:** "may"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, Brueggeman, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 66

Noes: Barrett, Bixby, Branae, Buzzas, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, Newman, Raser, Schmidt, Shockley, Tramelli, Waddill, Wolery.

Total 27

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

Absent or not voting: Gillan.

Total 1

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Motion that **HB 315**, as amended, do pass carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery, Younkin.

Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Erickson, Esp, Fisher, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Mr. Speaker.

Total 44

Voted Absentee: P. Clark, Thomas, Ayes; D. Brown, R. Brown, E. Clark, Witt, Noes.

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HB 334** - Representative Lenhart moved **HB 334** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

Noes: Adams, Balyeat, D. Brown, R. Brown, Brueggeman, Dale, Davies, Fisher, Fuchs, Laible, Masolo, McKenney, Mood, Rice, Somerville, Story, Thomas, Vick, Walters.

Total 19

Voted Absentee: E. Clark, P. Clark, Witt, Ayes; D. Brown, R. Brown, Thomas, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 401** - Representative Lee moved **HB 401** do pass.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**HB 401** - Representative Lee moved **HB 401**, second reading copy, be amended as follows :

1. Title, line 5.

**Following:** "PROPERTY,"

**Strike:** remainder of line 5 and through the first "PROPERTY," on line 6

2. Page 1, line 12.

**Strike:** "7"

**Insert:** "6"

3. Page 1, line 15.

**Strike:** "7"

**Insert:** "6"

4. Page 1, line 24.

**Strike:** "7"

**Insert:** "6"

5. Page 3, line 28 through page 4, line 16.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

6. Page 5, line 20.

**Strike:** "7"

**Insert:** "6"

7. Page 5, line 22.

**Strike:** "7"

**Insert:** "6"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Absent or not voting: None.  
Total 0

Motion that **HB 401**, as amended, do pass carried as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Juneau, Kasten, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, A. Peterson, Raser, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Mr. Speaker.  
Total 65

Noes: Adams, Bales, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Cyr, Dell, Esp, Gallik, Himmelberger, Holden, Jackson, Jent, Kaufmann, Laible, McCann, McKenney, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Smith, Story, Vick, Waitschies, Walters, Whitaker, Younkin.  
Total 35

Voted Absentee: E. Clark, P. Clark, Thomas, Witt, Ayes; D. Brown, R. Brown, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 500** - Representative Wanzenried moved **HB 500** do pass.

**HB 500** - Representative Wanzenried moved **HB 500**, second reading copy, be amended as follows :

1. Page 3, line 27.

**Following:** "codes."

**Insert:** "The contractor survey must include information pertaining to the number of skilled craftspersons employed in the employer's peak month of employment and the wages and benefits paid for each craft. In setting the prevailing wages from the survey for each craft, the department shall use the weighted average wage for each craft, except in those cases in which the survey shows that 50% of the craftspersons are receiving the same wage. When the survey shows that 50% of the craftspersons are receiving the same wage, that wage is the prevailing wage for that craft."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.  
Total 6

Absent or not voting: None.  
Total 0

Motion that **HB 500**, as amended, do pass carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Shockley, Smith, Story, Tramelli, Tropila, Waddill, Wanzenried, Wolery.  
Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laszloffy, Lehman, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schruppf, Sliter, Steinbeisser, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 44

Voted Absentee: P. Clark, Aye; D. Brown, R. Brown, E. Clark, Thomas, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Vick moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin, Mr. Speaker.  
Total 86



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Noes: Balyeat, Fuchs, Lee, Sliter, Whitaker.  
Total 5

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.  
Total 6

Absent or not voting: Gillan, Jent, Vick.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**HB 406**, introduced bill, be amended as follows:

2/17/2001

1. Title, line 4 through line 6.

**Following:** "COVERAGE" on line 4

**Strike:** remainder of line 4 through "NECESSARY";" on line 6

**Insert:** "FOR OUTPATIENT SELF-MANAGEMENT TRAINING AND EDUCATION FOR THE TREATMENT  
OF DIABETES AND A LIMITED BENEFIT FOR CERTAIN DIABETIC EQUIPMENT AND  
SUPPLIES;"

2. Title, line 6 through line 7.

**Following:** "COVERAGE" on line 6

**Strike:** remainder of line 6 through "DIABETES" on line 7

3. Title, line 8.

**Following:** "ARRANGEMENTS;"

**Insert:** "PROVIDING THAT STATE AND LOCAL GOVERNMENT EMPLOYEE PLANS ARE NOT  
INCLUDED IF THE PLANS PROVIDE EQUIVALENT OR GREATER COVERAGE;"

4. Title, line 9.

**Following:** "SECTIONS"

**Insert:** "2-18-704,"

**Strike:** "AN"

**Insert:** "A DELAYED"

5. Page 1, line 14.

**Following:** "for"

**Insert:** "outpatient self-management training and education for"

**Following:** "diabetes"

**Insert:** "-- limited benefit for medically necessary equipment and supplies"

**Strike:** "or individual"

6. Page 1, line 16 through line 18.

**Following:** "coverage for"

**Strike:** remainder of line 16 through "control," on line 18

**Insert:** "outpatient self-management training"

**Strike:** "self-management"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "the treatment"

7. Page 1, line 20 through line 26.

**Strike:** subsections (3) and (4) in their entirety

**Insert:** "(2) (a) Coverage must include a \$250 benefit for a person each year for medically necessary and prescribed outpatient self-management training and education for the treatment of diabetes.

(b) Nothing in subsection (2)(a) prohibits an insurer from providing a greater benefit.

(3) Each group disability policy, certificate of insurance, and membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state must provide coverage for diabetic equipment and supplies that is limited to insulin, syringes, injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for controlling blood sugar levels for each class of drug approved by the United States food and drug administration, and glucagon emergency kits.

(4) Annual copayment and deductible provisions are subject to the same terms and conditions applicable to all other covered benefits within a given policy."

8. Page 1.

**Following:** line 28

**Insert:** "(6) (a) This section does not apply to the state employee group insurance program, the university employee group insurance program, or any employee group insurance program of a city, town, county, school district, or other political subdivision of this state that on [the effective date of this act] provides substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies provided for in subsection (3).

(b) The state employee group insurance program, the university employee group insurance program, or any employee group insurance program of a city, town, county, school district, or other political subdivision of this state that reduces or discontinues substantially equivalent or greater coverage after [the effective date of this act] is subject to the provisions of this section."

9. Page 1, line 29.

**Insert:** "**Section 2.** Section 2-18-704, MCA, is amended to read:

**"2-18-704. (Temporary) Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions provided by law to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);  
(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and  
(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for treatment of inborn errors of metabolism, as provided for in 33-22-131.

(8) An insurance contract or plan issued under this part must include substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies as provided in [section 1].

**2-18-704. (Effective on occurrence of contingency or July 1, 2002, whichever is earlier) Mandatory**

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

as amended.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for treatment of inborn errors of metabolism, as provided for in 33-22-131.

(8) An insurance contract or plan issued under this part must include substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies as provided in [section 1]."

**Renumber:** subsequent sections

10. Page 2, line 24.

**Strike:** "medically necessary"

**Insert:** "outpatient self-management training and education for the"

**Strike:** "for"

**Insert:** "of"

**Following:** "diabetes"

**Insert:** "along with certain diabetic equipment and supplies"

11. Page 5, line 30.

**Insert:** "NEW SECTION. Section 6. Application to types of insurance. The provisions of [section 1(1) and (2)] apply if the state employee group insurance program, the university employee group insurance program, or any employee group insurance program of a city, town, county, school district, or other political subdivision of this state reduces or discontinues substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies."

12. Page 6, line 4.

**Strike:** "July 1, 2001"

**Insert:** "January 1, 2002"

And, as amended, do pass. Report adopted.

**HB 448**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "30"

**Insert:** "21"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

2. Title, line 6 through line 8.

**Following:** "PAY;"

**Strike:** "ESTABLISHING" on line 6 through ";" on line 8

3. Title, line 10.

**Strike:** "REPEALING SECTION 28-2-2107, MCA;"

4. Page 1, line 15 through line 19.

**Strike:** "If" on line 15 through "contract" on line 19

**Insert:** "By mutual agreement with a contractor, an owner may make progress payments on construction contracts of less than 60 days. An owner shall make progress payments to a contractor on all other construction contracts. Progress payments must be made on the basis of a duly certified and approved billing or estimate of the work performed and the materials supplied during the preceding monthly billing cycle"

5. Page 1, line 20.

**Strike:** "30"

**Insert:** "21"

6. Page 1, line 30.

**Strike:** "or subcontractor"

7. Page 2.

**Following:** line 4

**Insert:** "(d) The owner or the owner's representative is considered to have received the request for payment when the request for payment is submitted to any person designated by the owner or the owner's representative for the receipt of the request for payment."

**Renumber:** subsequent subsections

8. Page 2, line 8 through line 9.

**Strike:** "contain" on line 8 through "withheld" on line 9

**Insert:** "be furnished to the contractor specifying the conditions pursuant to subsection (1)(c) for withholding approval of the request for payment or a portion of the request for payment and identifying the amount to be withheld for each condition"

9. Page 2.

**Following:** line 11

**Insert:** "(g) If an owner approves all or a portion of a contractor's request for payment as provided for in subsection (1)(b), the owner shall pay the contractor the approved amount within 3 working days after the contractor's request for payment is considered approved."

**Renumber:** subsequent subsection

10. Page 2, line 14.

**Following:** " - "

**Insert:** "The subcontractor's request must remain in effect for the duration of the subcontractor's work on the project or until the subcontractor has been fully paid."

11. Page 2.

**Following:** line 14

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "(i) Payment is not required under this section unless the contractor provides the owner or the owner's representative with a billing or estimate for the work performed or the material supplied in accordance with the terms of the construction contract."

12. Page 2, line 18.

**Following:** "subcontract."

**Insert:** "Payment is not required under this section unless the subcontractor or material supplier provides to the contractor or the subcontractor a billing or invoice for the work performed or the material supplied in compliance with the terms of the contract between the parties."

13. Page 2, line 22.

**Following:** "subcontract."

**Insert:** "Payment is not required under this section unless the subcontractor or material supplier provides to the contractor or the subcontractor a billing or invoice for the work performed or material supplied in compliance with the terms of the contract between the parties."

14. Page 2, line 23.

**Insert:** "(4) Nothing in this section prevents a contractor or subcontractor from disapproving a subcontractor's request for payment or a portion of the request for payment based upon the claim of:

- (a) unsatisfactory job progress;
- (b) failure to remedy defective construction work or materials;
- (c) disputed work or materials;
- (d) failure to comply with material provisions of the construction contract;
- (e) failure of a contractor or subcontractor to make timely payment for labor, equipment, or materials;
- (f) damage to the contractor or other subcontractors; or (g) the existence of reasonable evidence

that the construction contract cannot be completed for the unpaid balance of the contract sum.

(5) If a contractor or subcontractor disapproves of all or a portion of a subcontractor's or material supplier's payment request, the contractor or subcontractor shall notify the subcontractor or material supplier in writing at the time the contractor's or subcontractor's payment request is made to the owner, the owner's representative, the contractor, or the subcontractor."

15. Page 2, line 24 through page 4, line 17.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

16. Page 4, line 19 through line 21.

**Strike:** "The" on line 19 through "(1) a" on line 21

**Insert:** "A"

17. Page 4, line 24 through line 28.

**Following:** "state" on line 24

**Strike:** ":", through "28-2-2103" on line 28

**Insert:** "is against this state's public policy and is void and unenforceable"

18. Page 4, line 30.

**Strike:** "[Sections 2 and 3] are"

**Insert:** "[Section 2] is"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

19. Page 5, line 2.

**Strike:** "[sections 2 and 3]"

**Insert:** "[section 2]"

20. Page 5, line 4.

**Strike:** section 5 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 479**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "BONDS;"

**Insert:** "PROVIDING THAT VARIABLE RATE BONDS MAY BE SOLD AT A PRIVATE NEGOTIATED SALE IF THE PRINCIPAL AMOUNT IS LESS THAN \$500,000 AND THE BOARD OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF A MUNICIPALITY OBTAINS A MARKETABILITY OPINION; PROVIDING THAT THE BOARD OF INVESTMENTS REVIEW ITS PARTICIPATION IN VARIABLE RATE BONDS AND RECOMMEND ACTION TO THE 58TH LEGISLATURE;"

2. Page 1, line 15.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1, line 20.

**Following:** "interest."

**Insert:** "(b) Variable rate bonds may be sold at a private negotiated sale if the principal amount of the bonds is \$500,000 or less and the board of county commissioners obtains separate written opinions from underwriters of Montana rural improvement district bonds stating the bonds are not marketable through a competitive bond sale. Bonds sold in principal amounts below \$250,000 do not require a marketability opinion.  
(c)"

4. Page 9, line 18.

**Following:** "(1)"

**Insert:** "(a)"

5. Page 9, line 23.

**Following:** "interest."

**Insert:** "(b) Variable rate bonds may be sold at a private negotiated sale if the principal amount of the bonds is \$500,000 or less and the governing body of the municipality obtains separate written opinions from underwriters of Montana special improvement district bonds stating the bonds are not marketable through a competitive bond sale. Bonds sold in principal amounts below \$250,000 do not require a marketability opinion.  
(c)"

6. Page 11, line 13.



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "NEW SECTION. **Section 11. Board of investment participation in bonding -- review.** The board of investments shall review their participation in issuing rural improvement district bonds and special improvement district bonds and provide a report to the 58th legislature with recommendations to increase or decrease the limit under which a marketability opinion is necessary as provided for in 7-12-2171 and 7-12-4203."

And, as amended, do pass. Report adopted.

**HB 497**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "AN ACT"

**Insert:** "PROVIDING THAT A SHOP THAT IS OPERATED BY OR EMPLOYS A MASTER OR JOURNEYMAN ELECTRICIAN OR MASTER OR JOURNEYMAN PLUMBER MAY EMPLOY ONE APPRENTICE;"

**Strike:** "REQUIRING"

**Insert:** "PROVIDING"

**Following:** "THAT"

**Insert:** "FOR EACH ADDITIONAL TWO MASTER OR JOURNEYMAN ELECTRICIANS OR PLUMBERS"

**Following:** "OF"

**Insert:** "MASTER OR"

2. Title, line 5.

**Following:** "AND"

**Strike:** "JOURNEYMEN"

**Insert:** "MASTER OR JOURNEYMAN"

3. Title, line 6.

**Following:** "OF"

**Insert:** "MASTER OR"

4. Title, line 7.

**Following:** "AND"

**Insert:** "MASTER OR"

5. Page 1, line 20 through 21.

**Strike:** "The" on line 20 through "apprentice." on line 21

**Insert:** "Each shop that employs or is operated by a master or journeyman electrician may employ one apprentice electrician.

(b) For each additional two master or journeyman electricians, the shop ratio for employing apprentices is two masters or journeymen to one apprentice unless a waiver is granted by the department of labor and industry pursuant to rules adopted by the department of labor and industry."

6. Page 1, line 22.

**Strike:** "(b)"

**Insert:** "(c)"

7. Page 1, line 30.

**Following:** "licensed"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "master or"

8. Page 2, line 4 through line 5.

**Strike:** "~~The~~" on line 4 through "~~apprentice.~~" on line 5

**Insert:** "Each shop that employs or is operated by a master or journeyman plumber may employ one apprentice plumber.

(b) For each additional two master or journeyman plumbers, the shop ratio for employing apprentices is two masters or journeymen to one apprentice unless a waiver is granted by the department of labor and industry pursuant to rules adopted by the department of labor and industry."

9. Page 2, line 6.

**Strike:** "~~(b)~~"

**Insert:** "(c)"

10. Page 3, line 6.

**Following:** "ratio of"

**Insert:** "masters or journeymen to"

**Strike:** "to journeymen"

11. Page 3, line 7 through line 8.

**Strike:** "or" on line 7 through "practice" on line 8

And, as amended, do pass. Report adopted.

**HB 539**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Strike:** the first "or"

**Following:** "institutions"

**Insert:** ", or pawn brokers"

2. Page 1, following line 23.

**Insert:** "(4) [Sections 1 through 19] may not be construed as affecting in any way the method of perfecting security interests on personal property provided for elsewhere in law."

3. Page 2, lines 28 and 29.

**Strike:** "and" on line 28 through "location" on line 29

4. Page 6, lines 10 through 12.

**Strike:** subsection (d) in its entirety

**Insert:** "(d) (i) the title lender may renew the title loan for additional 30-day periods beyond the original term provided that beginning with the sixth extension or continuation, and for each subsequent extension or continuation, the borrower must reduce the principal amount by at least 10% of the original principal amount of the loan; and

(ii) if the borrower fails to reduce the principal amount as required by subsection (2)(d)(i), the title lender may at its option:

(A) declare outstanding principal and any finance charges due and payable; or

(B) solely for the purpose of calculating the finance charge, reduce the amount of the principal balance by

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

10%, with the understanding that that portion of the principal is still owed by the borrower but that portion of the loan may not accrue interest or finance charges after that date;

5. Page 7, line 4.

**Strike:** "(a)"

6. Page 7, line 7.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

7. Page 7, line 8.

**Strike:** "10% "

**Insert:** "18% "

**Strike:** "\$2,000"

**Insert:** "\$4,000"

8. Page 7, line 9.

**Strike:** "3% "

**Insert:** "10% "

**Strike:** "\$2,000"

**Insert:** "\$4,000"

9. Page 7, line 10.

**Strike:** "(b)(i)"

**Insert:** "(2)"

10. Page 7, lines 10 and 11.

**Strike:** ", on" on page 10 through "operations" on line 11

**Insert:** "may charge their actual costs of recording liens on borrowers' certificates of title"

11. Page 7, lines 12 through 24.

**Strike:** "(ii)" on line 12 through "borrower." on line 24

12. Page 11, lines 13 and 14.

**Strike:** subsection (c) in its entirety"

**Renumber:** subsequent subsections

13. Page 11, line 19.

**Strike:** "in the operation of its business"

**Insert:** "for personal use that was repossessed from the borrower by the title lender"

14. Page 12, line 1.

**Following:** "clause"

**Insert:** ", provided that a title lender is not liable to the borrower or a third party for injuries to or damages sustained by the borrower or a third party as the result of an accident involving personal property to which the title lender holds the certificate of title"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

15. Page 12, lines 3 through 5.

**Strike:** subsections (iii) and (iv) in their entirety

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**HB 559**, introduced bill, be amended as follows:

1. Page 2, line 28.

**Following:** "that"

**Insert:** ":

(a) the rental agreement does not involve a tenant who rents space for a mobile home but does not rent the mobile home; and

(b)"

2. Page 3, line 18.

**Following:** "to the"

**Insert:** "health"

**Following:** "park"

**Insert:** "or its manager or owner"

3. Page 4, line 13.

**Following:** "termination"

**Insert:** "for the final violation"

4. Page 4, line 20.

**Strike:** "(1)(i)"

**Insert:** "(1)(j)"

5. Page 5, line 17.

**Strike:** "has"

**Insert:** "have"

And, as amended, do pass. Report adopted.

**HB 564**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "FUND;"

**Insert:** "PROVIDING FOR THE COLLECTION OF CONTRIBUTIONS TO THE UNIVERSAL SERVICE  
FUND ON A QUARTERLY RATHER THAN A MONTHLY BASIS;"

2. Page 1, line 19.

**Following:** "petition"

**Insert:** "for good cause"

3. Page 3, line 2.

**Strike:** "monthly"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "quarterly"

**Strike:** "July 1 to June 30 fiscal"

**Insert:** "January 1 to December 31 calendar"

4. Page 3, line 3.

**Following:** "total"

**Insert:** "retail"

5. Page 3.

**Following:** line 23

**Insert:** "(3) Any funds received by an eligible telecommunications carrier from the state high-cost fund must be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 574**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "CONTRACT;"

**Insert:** "PROVIDING FOR AN EXCEPTION;"

2. Page 1, line 11.

**Following:** "recording"

**Insert:** "-- exception"

**Following:** "(1)"

**Strike:** "An"

**Insert:** "Except as provided in subsection (2), an"

3. Page 1.

**Following:** line 17

**Insert:** "(2) The provisions of subsection (1) do not apply if a party involved in a transfer of real property by contract for deed requests that an escrow agent not record the deed with the county clerk and recorder."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

2/17/2001

**HB 510**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "JEJUNOTOMY"

**Insert:** "JEJUNOSTOMY"

2. Page 2, line 6.

**Strike:** "jejunotomy"

**Insert:** "jejunostomy"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

And, as amended, do pass. Report adopted.

**HB 582**, introduced bill, be amended as follows:

1. Page 1, line 8 through line 18.

**Strike:** the preamble in its entirety

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

2/17/2001

**HB 492**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Following:** "Parks"

**Insert:** "and the Department of Agriculture"

2. Page 2, line 27.

**Following:** "improvement,"

**Insert:** "control,"

3. Page 3, line 2.

**Following:** "managed"

**Insert:** ", controlled,"

4. Page 3, line 4.

**Following:** "part 11,"

**Strike:** "is"

**Insert:** "and control by the department of natural resources and conservation on state trust lands are"

5. Page 3, line 5.

**Following:** "by"

**Strike:** "both"

**Following:** "department"

**Insert:** ", the department of natural resources and conservation,"

6. Page 3, line 6.

**Following:** "agriculture."

**Insert:** "Nothing in this part may be interpreted to limit a landowner's ability to control prairie dog concentrations in unacceptable locations, as determined by the landowner, on private lands."

And, as amended, do pass. Report adopted.

**HB 569**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/17/2001

**HB 423**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Following:** "ABANDONMENT;"

**Insert:** "REQUIRING A WRITTEN AGREEMENT BETWEEN THE COUNTY AND THE SELECTED AGENCY PRIOR TO ROAD TRANSFER;"

2. Page 1, line 28.

**Following:** "responds"

**Insert:** "stating that it is willing to assume responsibility for the road subject to the provisions of subsection (6)"

3. Page 2, line 2.

**Insert:** "(6) Prior to the transfer of a road under this section, the county and the selected agency shall enter into a written agreement providing that in the event the selected agency fails to maintain or assume liability for the road or to fulfill any other responsibilities pursuant to the agreement, the road must revert to the county and will be, upon reversion, considered abandoned. At that time, the road right-of-way must revert to the adjoining landowners as provided by law. The agreement must also provide that the selected agency will not substantially increase the scope of the use of the right-of-way after transfer of the road."

And, as amended, do pass. Report adopted.

**HJR 31**, be adopted. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 442** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 84

Noes: Adams, R. Brown, Brueggeman, Clancy, Cyr, Esp, Kasten, Masolo, McCann, Pattison, Rice, Sliter, Story, Vick, Walters, Mr. Speaker.  
Total 16

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes; R. Brown, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**HB 469** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 489** passed as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Bales, Devlin, Esp, Somerville, Story, Waitschies.

Total 6

Voted Absentee: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: A. Peterson.

Total 1

**HB 490** passed as follows:



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Adams, R. Brown, Davies, Lewis, Tropila.  
Total 5

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes; R. Brown, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 505** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 59

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Davies, Devlin, Eggers, Esp, Fisher, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lewis, Masolo, McCann, Mood, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.  
Total 40

Voted Absentee: R. Brown, P. Clark, Thomas, Ayes; D. Brown, E. Clark, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: Dale.  
Total 1

**HJR 6** adopted as follows:

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Sliter, Tramelli, Waddill, Wanzenried, Younkin, Mr. Speaker.

Total 51

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Devlin, Esp, Forrester, Fuchs, Hedges, Himmelberger, Holden, Kasten, Keane, Laible, Laszloffy, Lehman, Masolo, Matthews, McKenney, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery.

Total 47

Voted Absentee: D. Brown, P. Clark, Ayes; R. Brown, E. Clark, Thomas, Witt, Noes.

Excused: None.

Total 0

Absent or not voting: Davies, Tropila.

Total 2

**MOTIONS**

Representative Gillan moved that **HB 527** be taken from the Committee on State Administration and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Brueggeman, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 50

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

Absent or not voting: Davies, Holden.

Total 2

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HJR 19**: Bales, Barrett, Devlin, Masolo, and Olson.

The following cosponsors were added to **HJR 22**: Bales, Barrett, Devlin, Masolo, and Olson.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Sunday, February 18, 2001. Motion carried.

House adjourned at 4:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 19, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney, Bookout-Reinicke, Holden, and Juneau, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Roni Burns, Helena  
Christina Wiederrich, Saco  
Chetti Preble, Forsyth  
Patrick Norris, Great Falls  
Kelly Norris, Great Falls  
Roxanna Mason, Forsyth  
Nichole Feld, Billings  
Dru DeMato, East Helena  
Ginger Hoppert, Forsyth

Representative Jacobson led the House in singing Happy Birthday to Representatives Roy Brown and Don Hedges.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/19/2001  
Correctly printed: **HB 313, HB 515, HB 533, HB 560, HB 569, HB 585, HB 603, HJR 29.**  
Correctly engrossed: **HB 332, HB 334, HB 424, HB 434, HB 548, HJR 16, HJR 17.**  
Examined by the sponsor and found to be correct: **HB 235.**

**AGRICULTURE** (Hedges, Chairman): 2/19/2001  
**HB 418**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "DISTRICT,"

**Insert:** "THE OWNERS OR POSSESSORS OF"

2. Title, page 1, lines 7 and 8.

**Strike:** "AFFECTED OWNERS OR POSSESSORS OF"

3. Title, page 1, line 8.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 1, line 14.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**Following:** "constructed"

**Strike:** "or"

**Insert:** "by the entities creating the herd district or being annexed into the herd district and must be"

5. Page 1, line 21.

**Following:** "aH"

**Insert:** "the owners or possessors of"

**Following:** "affected"

**Strike:** "owners or possessors of"

6. Page 2, line 12.

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

7. Page 2, line 12.

**Insert:** "NEW SECTION. **Section 5. Applicability.** [This act] applies to herd districts created or annexation actions that occur after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 495**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "REVISING" through ";

2. Title, lines 4 and 5.

**Following:** "FOR"

**Strike:** "A SIMPLE"

**Insert:** "THE"

**Strike:** "OR METAL"

3. Title, line 5 through line 11.

**Following:** "PERMITS;" on line 5

**Strike:** remainder of line 5 through "MCA;" on line 11

**Insert:** "AND"

4. Page 1, line 16 through page 4, line 17.

**Strike:** section 1 through section 7

**Insert:** "NEW SECTION. **Section 1. Operating permit revocation-- permit transfer.** (1) The revocation of a mine operating permit by the department under this part applies only to the person holding the permit and does not dissolve or extinguish the operating permit. An operating permit that is revoked in accordance with this part does not terminate until 5 years after revocation or until substantial completion of seeding and planting on disturbed areas, whichever occurs earlier. After revocation and before termination of a permit, the department shall ensure that the site reclamation and environmental monitoring requirements of a revoked operating permit are implemented to standards no less than those specified in the revoked operating permit and reclamation plan.

(2) A person may apply for the transfer of a revoked permit that has not terminated by submitting an application to the department that contains the information required for a permit applicant in 82-4-222(1)(b) through (1)(i). Upon receipt of an application from a person who is not precluded from holding a permit pursuant to this part, the department shall cease reclamation activities on the permit area.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

(3) The department may not require the applicant to submit any additional information unless the department can show that significant changes in the environmental baseline data have occurred during the period of operation or since the revocation of the initial operating permit.

(4) The department may not prepare a review under 75-1-201 for a transfer unless the department determines that the operation has caused or may cause significant impacts that have not been analyzed previously in an environmental review document prepared pursuant to 75-1-201.

(5) The department shall process an application for transfer under the same timeframes as are provided in 82-4-231 for processing of permit applications.

(6) Except as provided in subsection (7), the department shall, after receipt of an application pursuant to subsections (2) through (5) and after public notice and opportunity for comment:

(a) transfer the operating permit to a new operator if the new operator provides proof of site ownership or control and adequate bonding as required by this part; and

(b) require as a condition of permit transfer that, prior to creating additional disturbance at the site, all preexisting permit deficiencies, including modifications necessary because of reclamation that has been conducted at the site, be corrected to the satisfaction of the department and that any preestablished environmental monitoring requirements continue.

(7) The department may not transfer any permit for which it has determined that:

(a) the requirements of this part and the rules adopted under this part for operation, backfilling, grading, subsidence stabilization, water control, highwall reduction, topsoiling, revegetation, and reclamation of the affected area cannot be met;

(b) significant changes in the operating plan or reclamation plan are necessary;

(c) environmental data has not been collected and recorded in substantial compliance with the environmental monitoring requirements of this part, rules adopted under this part, or the permit; or

(d) the department would be precluded from issuing a permit to the applicant by 82-4-227(11) or (12).

(8) The department is not required to reimburse the former permittee or surety for funds expended for reclamation, monitoring, or site maintenance prior to permit transfer."

**Renumber:** subsequent sections

5. Page 4, line 19 through line 22.

**Strike:** subsection (1) in its entirety

6. Page 4, line 22.

**Strike:** "(2)"

7. Page 4, line 22.

**Strike:** "3"

**Insert:** "1"

8. Page 4, line 23.

**Strike:** "3"

**Insert:** "1"

And, as amended, do pass. Report adopted.

**HB 571**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "FOR"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**Insert:** "CERTAIN"

2. Title, lines 5 and 6.

**Strike:** "BUILT" on line 5 through "ACT" on line 6

**Insert:** "USED"

3. Title, line 6.

**Following:** "STORAGE,"

**Strike:** "PESTICIDE"

**Following:** "MIXING"

**Insert:** ", "

**Strike:** "SITES,"

**Following:** "AND"

**Insert:** "FOR"

4. Title, line 7.

**Strike:** "OWNED" through "ENTITY"

5. Page 2, line 28.

**Strike:** "The"

**Insert:** "Except as provided in subsection (3)(b), the"

6. Page 2, lines 28 and 29.

**Strike:** "facilities" on line 28 through "act" on line 29

**Insert:** "any facility that is used"

7. Page 2, line 29.

**Following:** "storage,"

**Strike:** "pesticide"

**Following:** "mixing"

**Insert:** ", "

**Strike:** "sites,"

**Following:** "and"

**Insert:** "for any"

8. Page 2, line 30.

**Strike:** "facilities" through "entity"

**Insert:** "facility"

9. Page 3, line 1.

**Following:** "(3)(a)"

**Insert:** "apply only to a facility:

(i) owned or operated by a government entity and located in a first-class county in which there is a city with a population of 50,000 or more; and

(ii) built after [the effective date of this act] or improved after [the effective date of this act] if the improvement increases the appraised value of the facility by 50% or more.

(c) The rules"

**Following:** "limited to"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**Insert:** ": (i)"

10. Page 3, line 2.

**Strike:** "facilities"

**Insert:** "facility"

11. Page 3, lines 2 and 3.

**Following:** "water" on line 2

**Strike:** ". The" through "feet" on line 3

**Insert:** "; (ii) the population density around the facility; and  
(iii) the maximum quantity of pesticide held at the facility at any one time"

And, as amended, do pass. Report adopted.

**HJR 33**, be adopted. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/19/2001

**HB 135**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "THE PUBLIC SALE"

**Insert:** "AN INVENTORY"

2. Title, line 5 and line 6.

**Strike:** "PROVIDING" on line 5 through "LAWS;" on line 6

**Strike:** "IMMEDIATE" on line 6

3. Page 1, line 10.

**Following:** "through"

**Strike:** "9"

**Insert:** "4"

4. Page 1, line 11.

**Following:** "Estate"

**Insert:** "Inventory"

5. Page 1, line 14.

**Following:** "through"

**Strike:** "9"

**Insert:** "4"

6. Page 1, line 16.

**Following:** "surplus"

**Strike:** "pursuant to [section 5]"

7. Page 1, line 17.

**Following:** "restrictions"

**Insert:** ", land given to the state in 1889 and 1893,"



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

8. Page 1, line 21.

**Following:** "through"

**Strike:** "9"

**Insert:** "4"

9. Page 1, lines 23 and 24.

**Following:** "estate" on line 23

**Strike:** "sales made"

**Insert:** "inventory conducted"

**Following:** "through" on line 23

**Strike:** "9"

**Insert:** "4"

**Following:** "I" on line 23

**Strike:** remainder of line 23 through "biennium" on line 24

10. Page 1, line 26.

**Following:** "By"

**Insert:** "July 1, 2005, and by"

**Following:** "year"

**Insert:** "thereafter"

11. Page 2, line 5 through page 4, line 20.

**Strike:** sections 5 through 10 in their entirety

12. Page 4, line 22.

**Following:** "through"

**Strike:** "9"

**Insert:** "4"

13. Page 4, line 23.

**Following:** "through"

**Strike:** "9"

**Insert:** "4"

14. Page 4, line 25.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2001"

And, as amended, do pass. Report adopted.

**HB 455**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "A"

**Insert:** "Except as provided in subsection (9), a"

2. Page 1, line 16.

**Strike:** "Except as provided for in subsection (9), an"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**Insert:** "An"

3. Page 2, line 14.

**Strike:** "water"

**Insert:** "appropriation right"

**Following:** "change"

**Strike:** "in appropriation right"

And, as amended, do pass. Report adopted.

**HB 457**, do pass. Report adopted.

**HB 473**, introduced bill, be amended as follows:

1. Page 4, line 17.

**Following:** "each"

**Insert:** "institutional"

**Following:** "trust"

**Insert:** "as described in The Enabling Act of congress (approved February 22, 1899, 25 Stat. 676), as amended, the Morrill Act of 1862 (7 U.S.C. 301 through 308), and the Morrill Act of 1890 (7 U.S.C. 321 through 328)"

And, as amended, do pass. Report adopted.

**HB 513**, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/19/2001

**HB 506**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Strike:** "5 years"

**Insert:** "1 year"

And, as amended, do pass. Report adopted.

**HB 524**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "VEHICLES;"

**Insert:** "PROVIDING AN APPROPRIATION;"

**Strike:** the first "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2.

**Following:** line 18

**Insert:** "NEW SECTION. **Section 4. Appropriation.** There is appropriated to the department of environmental quality from the state special revenue fund \$128,000 in fiscal year 2002 and \$128,000 in fiscal year 2003 for the purpose of reimbursing the hired removal of abandoned vehicles as provided in [section 1]."

**Insert:** "NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2001."

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/17/2001

**SB 249**, introduced by Toole  
**SB 264**, introduced by Waterman  
**SB 310**, introduced by Waterman  
**SB 311**, introduced by Cocchiarella  
**SB 324**, introduced by Harrington  
**SB 346**, introduced by Cobb  
**SB 357**, introduced by Ryan  
**SB 373**, introduced by Halligan  
**SB 383**, introduced by Glaser  
**SB 427**, introduced by Johnson  
**SB 429**, introduced by Sprague

Senate joint resolutions passed and transmitted to the House for concurrence:

2/17/2001

**SJR 11**, introduced by Tester  
**SJR 17**, introduced by Keenan

**MESSAGES FROM THE GOVERNOR**

February 19, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 22** sponsored by Representative Lindeen, **House Bill 93** sponsored by Representative Gillan, **House Bill 99** sponsored by Representative Devlin, and **House Bill 194** sponsored by Representative Bookout-Reinicke on February 19, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**HB 614**, introduced by McCann (by request of the House Joint Appropriations Subcommittee on Long Range Planning), referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Schmidt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 116** - Representative Sliter moved consideration of **HB 116** be placed at the bottom of the second reading board. Motion carried.

**HB 66** - Representative Harris moved **HB 66** do pass. Motion carried as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

Total 52

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lehman, Lewis, Mangan, Masolo, McKenney, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 48

Voted Absentee: Bitney, Bookout-Reinicke, Juneau, Ayes; Holden, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 143** - Representative Somerville moved **HB 143** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laible, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Wolery, Younkin, Mr. Speaker.

Total 71

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Noes: Adams, Balyeat, Barrett, Clancy, P. Clark, Davies, Eggers, Fuchs, Gallik, Golie, Harris, Hedges, Kasten, Keane, Laszloffy, Lehman, Lewis, McCann, Musgrove, Pattison, K. Peterson, Rice, Rome, Tramelli, Vick, Walters, Wanzenried, Whitaker, Witt.

Total 29

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 239** - Representative Thomas moved **HB 239** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Noes: Eggers, Sliter.  
Total 2

Excused: Bitney, Bookout-Reinicke, Holden, Juneau.  
Total 4

Absent or not voting: P. Clark, Curtiss, Schmidt.  
Total 3

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted President Abraham Lincoln (Professor Harry Fritz of Missoula) into the House Chamber.

Mr. Speaker introduced President Lincoln who then addressed the members with a brief history of his life and times.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Schmidt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 254** - Representative Davies moved **HB 254** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 80

Noes: Bixby, Eggers, Erickson, Gallik, Gallus, Galvin-Halcro, Hurdle, Jayne, Jent, Juneau, Kaufmann, Lee, Lindeen, Mangan, Rome, Tramelli, Tropila, Wanzenried.  
Total 18

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Ayes; Juneau, No.

Excused: None.  
Total 0

Absent or not voting: P. Clark, Gillan.  
Total 2

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**HB 282** - Representative Laszloffy moved **HB 282** do pass.

**HB 282** - Representative Golie moved **HB 282**, second reading copy, be amended as follows :

1. Title, line 7.

**Following:** "EFFECTIVE DATE AND"

**Strike:** "AN"

**Insert:** "A RETROACTIVE"

2. Page 3, line 19.

**Strike:** "Applicability"

**Insert:** "Retroactive applicability"

3. Page 3, line 20.

**Following:** "applies"

**Insert:** "retroactively, within the meaning of 1-2-109,"

4. Page 3, line 21.

**Strike:** "2002"

**Insert:** "2001"

Amendment **adopted** as follows:

Ayes: Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Olson, Pattison, Raser, Ripley, Schmidt, Schrumpf, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

Total 56

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Clancy, E. Clark, Devlin, Erickson, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Kasten, Kaufmann, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Noennig, A. Peterson, K. Peterson, Price, Rice, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 40

Excused: Bitney, Bookout-Reinicke, Holden, Juneau.

Total 4

Absent or not voting: None.

Total 0

Motion that **HB 282**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: E. Clark, Erickson, Fritz, Kaufmann, Mangan, Noennig.

Total 6

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 290** - Representative Waddill moved **HB 290** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Lee.

Total 1

**HB 304** - Representative Clancy moved **HB 304** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Galvin-Halcro, Haines, Hedges, Himmelberger, Holden, Jackson, Juneau, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Schrumpf, Shockley, Sliter, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wolery, Mr. Speaker.



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Total 51

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Rome, Schmidt, Smith, Somerville, Steinbeisser, Tramelli, Tropila, Wanzenried, Whitaker, Witt, Younkin.  
Total 49

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 340** - Representative Younkin moved **HB 340** do pass.

**HB 340** - Representative Younkin moved **HB 340**, second reading copy, be amended as follows :

1. Title, page 1, line 8 through line 9.

**Strike:** "AUTHORIZING" on line 8 through "DENSITY;" on line 9

2. Title, page 1, line 10.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 76-3-511"

3. Page 1, line 15.

**Strike:** "(1)"

4. Page 1, line 17.

**Strike:** "(a)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

5. Page 1, line 30.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

6. Page 2, line 13.

**Strike:** "(i)"

**Insert:** "(9)"

**Strike:** "containing"

**Insert:** "with lot sizes averaging"

**Strike:** "20"

**Insert:** "5"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

7. Page 2, line 14.

**Strike:** "(i)"

**Insert:** "(a)"

**Strike:** "surface"

**Insert:** "appropriation"

**Following:** the first "rights"

**Insert:** "owned by the owner of the land to be subdivided"

8. Page 2, line 15.

**Strike:** "access"

**Insert:** "a legal right"

**Strike:** "or"

9. Page 2.

**Following:** line 15

**Insert:** "(b) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or"

10. Page 2, line 16.

**Strike:** "(ii)"

**Insert:** "(c)"

11. Page 2, line 26.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

12. Page 3, line 10.

**Strike:** "."

**Insert:** ";

13. Page 3.

**Following:** line 10

**Insert:** "(12) require the subdivider to establish, file, and record utility easements in the subdivision that are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of utility facilities for the provisions of utility services within the subdivision. The filed and recorded utility easements must be in the same locations as those described in the preliminary plat."

14. Page 3, line 11 through page 4, line 18.

**Strike:** line 11 on page 3 through line 18 on page 4 in their entirety

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Bixby, Forrester, Jayne, K. Peterson.

Total 4

Excused: Bitney, Bookout-Reinicke, Holden, Juneau.

Total 4

Absent or not voting: Mangan.

Total 1

Motion that **HB 340**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Bixby, Gallik, Jayne, K. Peterson, Story.

Total 5

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Bixby, Buzzas, Dell, Erickson, Facey, Gallik, Gallus, Keane, Newman, Sliter, Wanzenried.

Total 11

Excused: Bitney, Bookout-Reinicke, Holden, Juneau.

Total 4

Absent or not voting: R. Brown, Eggers, Hedges, Tramelli, Walters.

Total 5

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 2/19/2001  
**HB 107**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PURPOSES;"

**Strike:** "REQUIRING THAT"

**Insert:** "AUTHORIZING EXPENDITURE OF UP TO"

2. Title, line 7.

**Following:** "FEDERAL"

**Strike:** "SPORTING GOODS EXCISE TAX"

**Insert:** "AID IN SPORT FISH AND WILDLIFE RESTORATION PROGRAM"

**Following:** "REVENUE"

**Strike:** "THAT IS RETURNED"

**Insert:** "AVAILABLE"

3. Title, line 8.

**Strike:** "STATE BE SPENT BY THE"

4. Title, line 10.

**Strike:** "DETERMINE"

**Insert:** "RECOMMEND"

5. Title, line 12.

**Following:** "PROGRAMS"

**Strike:** "AND ENSURE ACCOUNTABILITY FOR THE PROJECTS"

6. Page 1, line 17.

**Strike:** "returned"

**Insert:** "apportioned"

7. Page 1, line 21 through line 22.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**Following:** "reservations" on line 21

**Strike:** remainder of line 21 through "state" on line 22

8. Page 2, line 1 through line 2.

**Following:** "duties," on line 1

**Strike:** remainder of line 1 through "taxes," on line 2

9. Page 2, line 3.

**Following:** "87-1-601(1)(b)"

**Insert:** "up to"

**Following:** "federal"

**Strike:** "sporting goods excise tax revenue returned"

**Insert:** "aid in sport fish restoration and federal aid in wildlife restoration program funds apportioned"

10. Page 2, line 6.

**Following:** "expended"

**Insert:** "for public benefits"

11. Page 2, line 7.

**Following:** "federal"

**Strike:** "regulations"

**Insert:** "requirements"

**Following:** "through"

**Strike:** "5"

**Insert:** "4"

12. Page 2, line 20.

**Following:** "(a)"

**Strike:** "accepting state-funded"

**Insert:** "identifying needs for"

13. Page 2, line 21.

**Following:** ";

**Insert:** "and"

14. Page 2, line 22.

**Following:** "the"

**Strike:** "distribution"

**Insert:** "priority"

15. Page 2, line 23 through line 24.

**Following:** "[section 3]" on line 23

**Strike:** remainder of line 23 through "5]" on line 24

16. Page 2, line 27.

**Following:** "distribution."

**Insert:** "(1)"

**Following:** "projects for"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**Strike:** "state"

17. Page 2, line 28.

**Following:** "and"

**Strike:** "decide what proportion of projects are distributed"

**Insert:** "establish priorities for distribution of funds"

18. Page 2, line 30.

**Strike:** "(1)"

**Insert:** "(a)"

19. Page 3, line 2.

**Strike:** "(2)"

**Insert:** "(b)"

20. Page 3, line 4.

**Strike:** "(3)"

**Insert:** "(c)"

21. Page 3, line 6.

**Insert:** "(2) The tribal natural resources council may employ a wildlife biologist to act as an adviser and compliance inspector on all tribal wildlife and fish management programs that are funded pursuant to [sections 1 through 4].

(3) [Sections 1 through 4] imply no waiver of tribal sovereignty."

22. Page 3, lines 7 through line 21.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

23. Page 3, line 23.

**Following:** "process."

**Strike:** "(1)"

**Following:** "All"

**Strike:** "grant"

24. Page 3, line 24.

**Following:** "council"

**Insert:** "and the department"

25. Page 3, line 26.

**Following:** "council"

**Strike:** "may"

**Insert:** "or an individual tribe shall"

26. Page 3, line 27.

**Following:** "department"

**Strike:** "for funding purposes"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

27. Page 3, line 28.

**Following:** "council"

**Insert:** "or an individual tribe"

28. Page 4, lines 1 through 9.

**Following:** "grants" on line 1

**Strike:** remainder of line 1 through "program" on line 9

29. Page 4, line 12.

**Strike:** "5"

**Insert:** "4"

30. Page 4, line 23.

**Strike:** "5"

**Insert:** "4"

31. Page 4, line 25.

**Strike:** "5"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**HB 567**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** ""INTEREXCHANGE CARRIER", "

**Insert:** "AND"

2. Title, lines 6 and 7.

**Strike:** ", AND "LOCAL EXCHANGE CARRIER""

3. Page 1, lines 17 and 18.

**Following:** second "carrier" on line 17

**Strike:** remainder of line 17 through "carrier," on line 18

4. Page 2, lines 4 and 5.

**Strike:** subsection (9) in its entirety

**Renumber:** subsequent subsections

5. Page 3, line 30.

**Following:** first "local exchange carrier"

**Insert:** ", either directly or indirectly through another carrier,"

6. Page 4, line 2.

**Following:** "(2)"

**Insert:** "Any competitive local exchange carrier may file with the commission tariffs for access services, containing maximum allowable rates, and may file price lists containing the actual rates charged for access services. The price lists may be amended upon notice, as directed by the commission."

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**Following:** "carrier's"

**Insert:** "access services tariff or"

7. Page 4, lines 5 through 10.

**Following:** "than" on line 5

**Strike:** remainder of line 5 through "20,000" on line 10

**Insert:** "the intrastate composite switched carrier access rate for the largest incumbent local exchange carrier operating in Montana"

8. Page 4, line 26.

**Strike:** "shall"

**Insert:** "may"

And, as amended, do pass. Report adopted.

**HB 579**, do pass. Report adopted.

**HB 605**, do pass. Report adopted.

**HJR 19**, introduced joint resolution, be amended as follows:

1. Title, line 7.

**Strike:** "FORMER-PRESIDENT WILLIAM CLINTON'S"

**Insert:** "THE FEDERAL"

2. Page 1, line 11.

**Following:** "WHEREAS,"

**Strike:** "former-President William Clinton has proposed"

3. Page 1, line 12.

**Following:** the second "areas"

**Insert:** "have been proposed"

4. Page 1, lines 17 and 18.

**Following:** "Congress" on line 17

**Strike:** remainder of line 17 through "office" on line 18

5. Page 1, lines 26 and 27.

**Following:** "lands" on line 26

**Strike:** remainder of line 26 through "initiative" on line 27

And, as amended, be adopted. Report adopted.

**HJR 20**, introduced joint resolution, be amended as follows:

1. Page 1, lines 18 and 19.

**Strike:** lines 18 and 19 in their entirety

And, as amended, be adopted. Report adopted.



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

**HJR 22**, be adopted. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 2/19/2001  
**HB 583**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman): 2/19/2001  
**HB 63**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Strike:** "AND"

**Following:** "19-3-2121,"

**Insert:** "19-3-2123, 19-3-2124, AND 19-3-2126,"

2. Page 1, line 15.

**Strike:** "Disability benefits --"

**Insert:** "Long-term disability plan -- benefit"

**Following:** "eligibility --"

**Insert:** "administration and"

3. Page 1, line 18.

**Following:** "service"

**Insert:** "credit"

4. Page 1.

**Following:** line 27

**Insert:** "(5) If a member receiving a disability benefit under this section dies, the disability benefit payments cease and the member's beneficiary is entitled to death benefits only as provided for in 19-3-2125.

(6) The board shall establish a long-term disability plan trust fund from which disability benefit costs pursuant to this section must be paid. The trust fund must be entirely separate and distinct from the defined benefit plan trust fund."

**Renumber:** subsequent subsection

5. Page 1, line 28.

**Following:** "shall"

**Insert:** "perform the duties, exercise the powers, and"

6. Page 1.

**Following:** line 28

**Insert:** "NEW SECTION. **Section 2. Disability benefit recipients to remain members -- access to account prohibited.** A plan member who is receiving a disability benefit pursuant to [section 1] remains a member of the retirement plan irrespective of employment status and may not receive a distribution from the member's retirement account."

**Renumber:** subsequent sections

7. Page 6, line 9.

**Following:** "plan"

**Insert:** ", including a disability payment under [section 1],"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

8. Page 8, line 4.

**Strike:** " "

**Insert:** "and"

9. Page 8, line 5 through line 6.

**Following:** the second "plan"

**Strike:** remainder of line 5 through "]" on line 6

10. Page 10, line 23.

**Following:** "member"

**Insert:** "of the defined benefit plan"

11. Page 11, line 5.

**Strike:** "4.06%"

**Insert:** "4.19%"

12. Page 11, line 6.

**Strike:** "2.80%"

**Insert:** "2.37%"

13. Page 11, line 7.

**Following:** "rate"

**Strike:** remainder of line 7 through "]"

14. Page 11.

**Following:** line 7

**Insert:** "(3) Subject to adjustment by the board pursuant to 19-3-2121(7) and beginning on the plan's effective date, of the employer contributions under 19-3-316, 0.3% of compensation must be allocated to the long-term disability plan trust fund established pursuant to [section 1]."

**Renumber:** subsequent subsections

15. Page 11, line 25.

**Following:** "and"

**Insert:** "and"

16. Page 11, line 27.

**Strike:** "plan's"

**Insert:** "plan member's appropriate"

**Strike:** " ; and "

**Insert:** " . "

17. Page 11, line 28 through line 29.

**Strike:** line 28 through line 29 in their entirety

18. Page 13.

**Following:** line 4

**Insert:** "(7) If the board determines that the contribution rate to the disability plan under 19-3-2117(3) should be increased, the employer contribution to each member's account under 19-3-2117(2)(a) must be decreased

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

by that amount. If the board determines that the contribution rate to the disability plan under 19-3-2117(3) should be decreased, the employer contribution to each member's account under 19-3-2117(2)(a) must be increased by that amount."

**Renumber:** subsequent subsections

19. Page 13.

**Following:** line 11

**Insert:** "Section 7. Section 19-3-2123, MCA, is amended to read:

**"19-3-2123. (Effective on occurrence of contingency or July 1, 2002, whichever is earlier) Payout of account balances when terminating plan membership.** ~~Any~~ Except as provided in [section 2], any time after termination of covered employment, a member or the member's beneficiary may terminate plan membership by making a written application to the board and removing the member's account balance from the plan through any combination of the following payout options, each of which is subject to applicable regulations of the internal revenue service:

- (1) a direct rollover to an eligible retirement plan or to an individual retirement account or annuity pursuant to section 401(a)(31) of the Internal Revenue Code;
- (2) a regular rollover to an eligible retirement plan pursuant to section 402(c) of the Internal Revenue Code; or
- (3) a lump-sum distribution of the member's account balance."

**Insert:** "Section 8. Section 19-3-2124, MCA, is amended to read:

**"19-3-2124. (Effective on occurrence of contingency or July 1, 2002, whichever is earlier) Distribution options for plan members -- rulemaking -- minimum distribution requirements -- restrictions.** (1) Subject to 19-3-2116 ~~and~~, 19-3-2126, and [section 2], a member may, after termination of covered employment, leave the member's account balance in the plan, and the member is eligible for a distribution as provided in this section.

(2) After termination of covered employment, upon written application to the board, a member may, if provided for by the board, select a distribution option offered pursuant to a contract negotiated by the board with a plan vendor or vendors.

(3) A member who is less than 70 1/2 years of age who returns to covered employment may not continue to receive a distribution under this section while actively employed in a covered position.

(4) The board shall adopt rules to administer this section and to provide that distributions comply with the minimum distribution requirements established in the Internal Revenue Code and applicable under 19-2-1007."

**Insert:** "Section 9. Section 19-3-2126, MCA, is amended to read:

**"19-3-2126. (Effective on occurrence of contingency or July 1, 2002, whichever is earlier) Minimum account balance required for membership after termination -- adjustment by rule.** (1) (a) ~~If~~ Except as provided in [section 2], if a member's account balance is less than \$5,000 at the time that the member terminates covered employment, the member shall terminate plan membership by removing the member's account balance from the plan in a manner provided pursuant to 19-3-2123.

(b) If the member fails to remove the member's account balance, the board may close the account by paying to the member a lump-sum distribution of the member's entire account balance.

(2) The board may by rule adjust the minimum account balance provided in this section as necessary to maintain reasonable administrative costs and to account for inflation."

**Insert:** "NEW SECTION. Section 10. Implementation. (1) To implement the provisions of [section 1], the board shall establish a self-insured long-term disability plan through which the disability benefits must be paid.

(2) If the disability plan cannot be implemented as described in subsection (1), the board shall implement

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

the provisions of [section 1] by contracting for long-term disability insurance that provides for the benefits described in [section 1]."

**Renumber:** subsequent sections

20. Page 13, line 19.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1, 2, and 10] are"

21. Page 13, line 21.

**Strike:** "[section 1]"

**Insert:** "[sections 1, 2, and 10]"

22. Page 13.

**Following:** line 25

**Insert:** "NEW SECTION. Section 14. Contingent voidness. If the defined contribution retirement plan enacted by Chapter 471, Laws of 1999, cannot be implemented because of an unfavorable internal revenue service determination or ruling, then [this act] is void."

**Renumber:** subsequent section

23. Page 13, line 29.

**Strike:** "(4)"

**Insert:** "(5)"

**Strike:** "5"

**Insert:** "9"

And, as amended, do pass. Report adopted.

**HB 528**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "PUBLIC HEALTH,"

**Strike:** ", OR WELFARE"

2. Page 2, line 3 through line 5.

**Strike:** "The" on line 3 through line 5 in their entirety

And, as amended, do pass. Report adopted.

**HJR 32**, be adopted. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 332** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Bitney, Holden, Juneau, Ayes.

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: R. Brown, Mood.  
Total 2

**HB 334** passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Balyeat, Bitney, D. Brown, Brueggeman, Dale, Davies, Fisher, Laible, Masolo, Mood, Rice, Story, Vick.  
Total 14

Voted Absentee: Bookout-Reinicke, Holden, Juneau, Ayes; Bitney, No.

Excused: None.  
Total 0

Absent or not voting: R. Brown.  
Total 1

**HB 548** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 16** adopted as follows:

Ayes: Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mood, Musgrove, Newman, Noennig, Olson, Price, Raser, Rome, Schmidt, Shockley, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker.

Total 60

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Dale, Devlin, Esp, Himmelberger, Jackson, Jayne, Kasten, Laszloffy, Mangan, Masolo, Matthews, McCann, McKenney, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 40

Voted Absentee: Bitney, Holden, Juneau, Ayes; Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 17** adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2001

Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 83

Noes: Adams, Balyeat, R. Brown, E. Clark, Curtiss, Dale, Devlin, Jackson, Jayne, Kasten, Pattison, A. Peterson, Story, Vick, Waitschies, Walters, Witt.  
Total 17

Voted Absentee: Bitney, Bookout-Reinicke, Holden, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Sliter moved that the primary sponsor on **HB 612** be changed from Representative McGee to Representative R. Brown. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Tuesday, February 20, 2001. Motion carried.

House adjourned at 2:48 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 20, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Vick. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/20/2001

Correctly printed: **HB 107, HB 135, HB 406, HB 418, HB 423, HB 448, HB 455, HB 457, HB 465, HB 473, HB 479, HB 492, HB 495, HB 497, HB 506, HB 510, HB 513, HB 524, HB 539, HB 559, HB 563, HB 564, HB 567, HB 570, HB 571, HB 574, HB 579, HB 582, HB 583, HB 605, HJR 19, HJR 20, HJR 22, HJR 31, HJR 32, HJR 33.**

Correctly engrossed: **HB 66, HB 143, HB 239, HB 254, HB 282, HB 290, HB 304, HB 315, HB 340, HB 353, HB 401, HB 500.**

**APPROPRIATIONS** (Vick, Chairman):

2/19/2001

**HB 214**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** the second "DISTRICT"

**Insert:** "TO BE ELECTED AT THE NOVEMBER 2002 GENERAL ELECTION"

2. Title, line 6.

**Following:** "PROVIDING"

**Strike:** "AN"

**Insert:** "A DELAYED"

**Strike:** "AND AN APPLICABILITY DATE"

3. Page 1, line 19.

**Following:** "effective"

**Strike:** "July 1, 2001"

**Insert:** "January 1, 2002"

4. Page 1, line 21.

**Strike:** "Transition -- applicability"

**Insert:** "Election of judges"

5. Page 1, line 22 and line 23.

**Following:** "be"

**Strike:** remainder of line 22 through "offices" on line 23

**Insert:** "elected"

6. Page 1, line 24.



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**Following:** "2002"

**Strike:** "for 6-year terms to begin"

**Insert:** "and shall take office"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/19/2001

**SB 48**, introduced by Sprague

**SB 292**, introduced by Sprague

**SB 298**, introduced by Glaser

**SB 313**, introduced by Thomas

**SB 340**, introduced by Berry

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 360** - Representative P. Clark moved **HB 360** do pass.

**HB 360** - Representative P. Clark moved **HB 360**, second reading copy, be amended as follows :

1. Page 1, line 25.

**Following:** "45-5-502"

**Insert:** "(3)"

**Following:** "45-5-503"

**Insert:** "(3)(a)"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Total 0

Excused: None.

Total 0

Absent or not voting: Lee.

Total 1

Motion that **HB 360**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 371** - Representative Lee moved **HB 371** do pass. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, Newman, A. Peterson, K. Peterson, Price, Raser, Schmidt, Tramelli, Tropila, Wanzenried, Whitaker.

Total 46

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Total 0

**HB 374** - Representative Eggers moved **HB 374** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Bales, K. Peterson, Walters.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 378** - Representative Lee moved **HB 378** do pass. Motion carried as follows:

Ayes: Balyeat, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rice, Schmidt, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Younkin.

Total 63

Noes: Adams, Andersen, Bales, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Davies, Fisher, Golie, Himmelberger, Kasten, Laible, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Musgrove, Pattison, Price, Ripley, Rome, Schruppf, Sliter, Somerville, Steinbeisser, Vick, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 345** - Representative Mangan moved consideration of **HB 345** be placed below **HB 376** on the second reading board. Motion carried.

**HB 409** - Representative A. Peterson moved **HB 409** do pass. Motion carried as follows:

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Devlin, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Newman, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.

Total 62

Noes: Adams, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Davies, Dell, Eggers, Fisher, Forrester, Fuchs, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Noennig, Pattison, Ripley, Shockley, Sliter, Smith, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: Kaufmann.

Total 1

**HB 439** - Representative Jacobson moved **HB 439** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 93

Noes: Adams, Balyeat, Brueggeman, McCann, Sliter, Smith, Mr. Speaker.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 456** - Representative Gutsche moved **HB 456** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, Balyeat, Brueggeman, Davies, Laible, Mood, Pattison, Vick, Walters.

Total 9

Excused: None.

Total 0

Absent or not voting: Kasten, Story.

Total 2

**HB 461** - Representative Shockley moved **HB 461** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Forrester, Story, Mr. Speaker.

Total 3

**HB 488** - Representative Wolery moved **HB 488** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams.

Total 1

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Excused: None.  
Total 0

Absent or not voting: Lee.  
Total 1

**HB 498** - Representative Branae moved **HB 498** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Curtiss.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Somerville, Walters.  
Total 2

**HB 499** - Representative Facey moved **HB 499** do pass.

**HB 499** - Representative Facey moved **HB 499**, second reading copy, be amended as follows :

1. Page 1, line 15.

**Following:** "75-2-220"

**Insert:** "and includes a permitholder who shall pay only the annual fee"

2. Page 3, line 20 through page 3, line 28.

**Strike:** "**purpose** --" on line 20

**Strike:** "(1)" on line 20 through "material." on line 28

**Renumber:** subsequent subsections

3. Page 4, line 2 through page 4, line 4.

**Strike:** "If" on page 4, line 2 through "rule, the" on page 4, line 4

**Insert:** "The"

4. Page 4, line 6 through page 4, line 9.

**Strike:** "All" on page 4, line 6 through "." on page 4, line 9

Amendment **adopted** as follows:

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Waitschies.

Total 1

**HB 499** - Representative Facey moved **HB 499**, second reading copy, be further amended as follows :

1. Title, line 7.

**Following:** "CREDIT;"

**Insert:** "PRECLUDING THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE BOARD OF ENVIRONMENTAL REVIEW FROM ADJUSTING CERTAIN FEES TO OFFSET THE COST OF THE CREDIT;"

2. Page 4, line 16.

**Following:** "chapter"

**Insert:** "."

**Strike:** ", including"

**Insert:** "The amount of the fee is subject to the limitation in subsection (12). The costs that may be considered in establishing the fee may include"

3. Page 5, line 3.

**Following:** "."

**Insert:** "The board may not consider the cost of the credits allowed under [section 3] whenever making an annual adjustment of fees allowed in this subsection."

4. Page 5, line 8.

**Following:** "fees"

**Insert:** ", subject to subsection (12),"

5. Page 6.

**Following:** line 25

**Insert:** "(12) (a) In determining the reasonable costs of developing and administering the permitting requirements under subsection (1), the department may not consider the cost of credits claimed under [section 2].

(b) In determining the amount of the additional fees authorized in subsection (4), the board may not

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

consider the cost of credits claimed under [section 2]."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 499**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Devlin, Holden, Kasten, Masolo, Rice, Vick, Waitschies.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 517** - Representative Mangan moved **HB 517** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bales.

Total 1

**HB 531** - Representative Waitschies moved **HB 531** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 537** - Representative Sliter moved **HB 537** do pass.

**HB 537** - Representative Sliter moved **HB 537**, second reading copy, be amended as follows :

1. Page 2, line 27.

**Following:** "\$200,000;"

**Insert:** "or"

2. Page 2, line 28.

**Strike:** "; or"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**Insert:** ". "

3. Page 2, line 29 through page 3, line 3.

**Strike:** subsection (3) in its entirety

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: McCann.

Total 1

Excused: None.

Total 0

Absent or not voting: R. Brown, Mr. Speaker.

Total 2

Motion that **HB 537**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Golie.

Total 1

**HB 542** - Representative Musgrove moved **HB 542** do pass. Motion carried as follows:

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HJR 10** - Representative Vick moved **HJR 10** be adopted.

**HJR 10** - Representative Andersen moved **HJR 10**, second reading copy, be amended as follows :

1. Title, line 8.

**Following:** "PARK"

**Insert:** "; AND URGING CONGRESS TO PROVIDE ADEQUATE FUNDING TO THE NATIONAL PARK SERVICE TO PROVIDE ADEQUATE PERSONNEL TO ENSURE HEALTH AND SAFETY"

2. Page 2, line 17.

**Following:** "to"

**Insert:** ":

(a)"

3. Page 2, line 19.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

4. Page 2, line 24.

**Following:** "cities"

**Insert:** "; and

(b) provide adequate personnel to ensure the health and safety of snowmobile operators and the health and safety of park wildlife"

5. Page 2, line 29.

**Following:** "System"

**Insert:** ", "

**Following:** "Park"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**Insert:** "and be urged to provide adequate funding to achieve the purpose of subsection (1)(b)"

Amendment **adopted** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Callahan, Carney, E. Clark, P. Clark, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Younkin.  
Total 76

Noes: Adams, Bales, R. Brown, Brueggeman, Buzzas, Clancy, Curtiss, Cyr, Devlin, Fuchs, Himmelberger, Jackson, Kasten, Laszloffy, Mood, Pattison, Rice, Ripley, Sliter, Vick, Waitschies, Wolery, Mr. Speaker.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Story.  
Total 1

Motion that **HJR 10**, as amended, be adopted carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 80

Noes: Branae, R. Brown, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gillan, Gutsche, Harris, Hurdle, Jayne, Kaufmann, Lee, K. Peterson, Waddill.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Raser.  
Total 1

**HJR 18** - Representative Lewis moved **HJR 18** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**HJR 21** - Representative Laible moved **HJR 21** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: R. Brown, Buzzas, Erickson, Gutsche, Hurdle.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 24** - Representative Wanzenried moved **HJR 24** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 84

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Noes: R. Brown, E. Clark, Curtiss, Devlin, Fuchs, Haines, Jackson, Jayne, Masolo, McCann, Pattison, Rice, Ripley, Thomas, Walters, Witt.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 25** - Representative Haines moved **HJR 25** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 116** - Representative Mood moved **HB 116** do pass.

**HB 116** - Representative Lewis moved **HB 116**, second reading copy, be amended as follows :

1. Title, page 1, line 9.

**Following:** " ; "

**Insert:** "REDUCING THE SERVICE REQUIRED FOR VESTING ; "

2. Page 26, line 19.

**Strike:** "5 years"

**Insert:** "1 year"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, McCann, Mood, Musgrove, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Bales, Galvin-Halcro, Mangan, Schmidt.

Total 4

Excused: None.

Total 0

Absent or not voting: Matthews, McKenney, Newman, Olson.

Total 4

Motion that **HB 116**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Mangan.

Total 1

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**HB 90** - Representative Shockley moved **HB 90** do pass.

**HB 90** - Representative Shockley moved **HB 90**, second reading copy, be amended as follows :

1. Page 1, line 19.

**Following:** "IV"

**Insert:** "or is registered with the board as provided in subsection (4) of this section"

2. Page 1, line 21.

**Following:** "systems"

**Insert:** "or qualified, as provided in subsection (4), to design fire extinguishing systems"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

3. Page 1, line 23.

**Following:** "level"

**Insert:** "or continues to be qualified as provided in subsection (4)"

4. Page 1, line 25.

**Following:** "certification"

**Insert:** "or qualification under subsection (4)"

5. Page 1, following line 27.

**Insert:** "(4) The board shall list on the registry provided for in subsection (2)(a) any person not certified at level III or IV who:

(a) has engaged in designing fire extinguishing systems in this state for a period of 5 years prior to October 1, 2001;

(b) provides an affidavit to the board stating that there have not been any system failures during the 5-year period in any systems designed by the person; and

(c) applies for listing on the registry by October 1, 2002."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 90**, as amended, do pass carried as follows:

Ayes: Barrett, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, Erickson, Facey, Forrester, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery.

Total 55

Noes: Adams, Andersen, Bales, Balyeat, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, P. Clark, Curtiss, Cyr,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Fritz, Fuchs, Galvin-Halcro, Himmelberger, Hurdle, Jackson, Kasten, Keane, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Newman, Pattison, K. Peterson, Rice, Schrumpf, Sliter, Steinbeisser, Story, Vick, Waitschies, Younkin, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzonried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Galvin-Halcro, Mangan, Newman.

Total 4

Excused: None.

Total 0

Absent or not voting: Forrester, Gillan, Golie, Hurdle, Price.

Total 5

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/19/2001

**HB 530**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "DEPARTMENT;"

**Insert:** "PROVIDING FOR A DELAY OF THE DEADLINE FOR COMPLETING A HEARING THAT IS EQUIVALENT TO THE TIME TAKEN TO REQUEST AND APPOINT AN ALTERNATIVE HEARINGS OFFICER;"

2. Page 2, line 19.

**Following:** "(2)"

**Insert:** "(a)"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

3. Page 2, line 21.

**Strike:** "10"

**Insert:** "15"

4. Page 2.

**Following:** line 22

**Insert:** "(b) The time allowed for completing a contested case hearing under this section may be extended by a period of time equal to the period of time taken to request a substitution of the hearings officer and to appoint an alternative hearings officer as provided for in subsection (2)(a).

(c) A party moving for a substitution of the hearings officer under subsection (2)(a) shall remit a filing fee of \$100 to the department with the motion for substitution."

And, as amended, do pass. Report adopted.

**HB 587**, introduced bill, be amended as follows:

1. Page 3, line 12.

**Strike:** "3"

**Insert:** "7"

2. Page 3, line 13.

**Strike:** "3"

**Insert:** "7"

And, as amended, do pass. Report adopted.

**HB 589**, do pass. Report adopted.

**HB 596**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "THE"

2. Title, line 6.

**Following:** line 5

**Insert:** "A PRIVATE"

**Strike:** "CONSIST" through "; AND"

**Insert:** "MEET CERTAIN ELIGIBILITY CRITERIA; PROVIDING THAT BEER AND WINE SALES ON THE PREMISES OF A PRIVATE GOLF COURSE MAY TAKE PLACE ONLY WHEN THE GOLF COURSE IS OPEN FOR BUSINESS; PROVIDING THAT SALES MUST STOP AT DARKNESS; PROHIBITING GAMBLING ON THE PREMISES;"

3. Title, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 15.

**Strike:** "that consists of at least nine holes and not less than 700 lineal yards"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**Insert:** ". If the owner of the golf course is not the state, a unit of the university system, or a local government, to qualify for a license under this section:

- (a) the golf course must consist of at least 18 holes and 6,000 lineal yards;
- (b) the golf course must be either within the limits of an incorporated city or town or within 1 mile of the limits of an incorporated city or town; and
- (c) the applicant for a license under this section may not have held a beer and wine or all-beverages license within 12 months of the date of application"

5. Page 1, line 19 through line 20.

**Strike:** "The" on line 19 through "department." on line 20

6. Page 1, line 21.

**Following:** "(3)"

**Insert:** "(a)"

7. Page 1.

**Following:** line 23

**Insert:** "(b) If the owner of the golf course is not the state, a unit of the university system, or a local government:

- (i) retail beer and wine sales may be made only during the time of the year that the golf course is open for business, and sales on days during that time must stop by 1 hour after sunset;
- (ii) the seating capacity of the premises where the beer and wine are sold may not exceed 75 persons; and
- (iii) gaming or gambling is not authorized under the license issued under this section."

8. Page 1.

**Following:** line 27

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman):

2/19/2001

**HB 416**, do pass. Report adopted.

**HB 558**, do pass. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

2/19/2001

**HB 491**, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/16/2001

**HB 319**, introduced bill, be amended as follows:

1. Page 1, line 20 through line 23.

**Strike:** "If" on line 20 through the first "vehicle" on line 23

**Insert:** "Taxes or fees in lieu of tax that are due or past due on a vehicle at the time that a person sells or trades the vehicle to a dealer"

2. Page 1, line 25.

**Strike:** "fees or taxes"

**Insert:** "taxes or fees"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

And, as amended, do pass. Report adopted.

**HB 529**, do pass. Report adopted.

**HJR 23**, be adopted. Report adopted.

**HJR 30**, be adopted. Report adopted.

Majority Leader Sliter moved that the House recess until 11:30 a.m. Motion carried.

House recessed at 10:58 a.m.

House reconvened at 11:30. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 131** - Representative Somerville moved **HB 131** do pass.

**HB 131** - Representative Somerville moved **HB 131**, second reading copy, be amended as follows :

1. Title, line 7.

**Following:** "TANKS;"

**Insert:** "REQUIRING THE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE REVENUE AND TAXATION INTERIM COMMITTEE;"

2. Page 3.

**Following:** line 3

**Insert:** "(7) The department of transportation shall report to the revenue and taxation interim committee at least once each year on its enforcement, pursuant to the authority provided in subsection (6)(c), of the provisions of Title 15, chapter 70, part 3, and on any impacts that enforcement has had on the state special revenue fund."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Eggers, Gallik, Gillan, Schmidt, Smith.  
Total 5

Motion that **HB 131**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Davies, Eggers, Erickson, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Holden, Jackson, Jent, Juneau, Keane, Lawson, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 62

Noes: Bales, Balyeat, Barrett, Branae, R. Brown, E. Clark, Curtiss, Dell, Devlin, Esp, Forrester, Fritz, Fuchs, Gallik, Gutsche, Himmelberger, Hurdle, Jacobson, Jayne, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Masolo, McCann, Olson, Pattison, Rice, Ripley, Schmidt, Smith, Story, Vick, Witt.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved consideration of **HB 554**, **HB 485**, and **HB 376** be passed for the day. Motion carried.

Representative Sliter moved consideration of **HB 397** be passed for the day.

Representative Golie made a substitute motion that **HB 397** be segregated from the Committee of the Whole report.

Motion that **HB 397** be passed for the day carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Lawson, Lee, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Bixby, Branae, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Matthews, McCann,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Musgrove, Newman, Raser, Ripley, Schmidt, Smith, Tropila, Wanzenried.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Buzzas, Davies, Laszloffy.  
Total 3

**HB 139** - Representative Gallik moved **HB 139** do pass.

**HB 139** - Representative Gallik moved **HB 139**, second reading copy, be amended as follows :

1. Title, line 6 through line 7.

**Following:** "RULES" on line 6

**Strike:** "AND" on line 6 through "PROCESS" on line 7

2. Page 1, line 29.

**Following:** "~~and~~"

**Insert:** "and"

3. Page 2, line 1 through line 3.

**Strike:** "i" on line 1 through "(2)(C)" on line 3

4. Page 2, line 12.

**Strike:** "CERTIFYING"

**Insert:** "confirming"

5. Page 2, line 15.

**Strike:** "SUBSECTIONS (2)(A) THROUGH (2)(C)"

**Insert:** "subsection (2)"

6. Page 2, line 16 through line 18.

**Strike:** subsection (6) in its entirety

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 91

Noes: Bitney, Kasten, Lee, Lehman, K. Peterson, Rice, Mr. Speaker.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Total 7

Excused: None.

Total 0

Absent or not voting: Davies, Pattison.

Total 2

Motion that **HB 139**, as amended, do pass carried as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Price, Raser, Schmidt, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried.

Total 50

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: Eggers, Forrester.

Total 2

**HB 261** - Representative Jent moved **HB 261** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**HB 313** - Representative Masolo moved **HB 313** do pass.

**HB 313** - Representative Newman moved **HB 313**, second reading copy, be amended as follows :

1. Page 11, line 15.

**Strike:** "and"

**Insert:** "or"

2. Page 11, line 17.

**Following:** "1]"

**Insert:** "."

3. Page 11, line 18.

**Strike:** "and"

**Insert:** "The offender must complete"

4. Page 11, line 18.

**Strike:** "and"

**Insert:** ". The counseling may include"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: P. Clark.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 313**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 333** - Representative Jent moved **HB 333** do pass.

**HB 333** - Representative Sliter moved **HB 333**, second reading copy, be amended as follows :

1. Title, line 6.

**Following:** "COURT"

**Insert:** "IF THE COURT DETERMINES THAT THE AWARD OF COSTS AND ATTORNEY FEES IS APPROPRIATE"

2. Page 1, line 23.

**Following:** "shall"

**Insert:** ", if the workers' compensation court orders,"

**Following:** "established"

**Insert:** "and ordered"

3. Page 1, line 30.

**Following:** line 29

**Insert:** "(4) An insurer may not seek reimbursement or contribution from a health care provider for any costs or fees awarded pursuant to this section."

**Renumber:** subsequent subsection

4. Page 2, line 4.

**Strike:** "must"

**Insert:** "may"

5. Page 2, line 10.

**Strike:** "MUST"

**Insert:** "may"

6. Page 2, line 18.

**Following:** "shall"

**Insert:** ", if the workers' compensation court orders,"

**Following:** "established"

**Insert:** "and ordered"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

7. Page 2, line 27.

**Following:** line 26

**Insert:** "(5) An insurer may not seek reimbursement or contribution from a health care provider for any costs or fees awarded pursuant to this section."

**Renumber:** subsequent subsection

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jayne, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Noes: Balyeat, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, K. Peterson, Raser, Schmidt, Shockley, Smith, Tramelli, Waddill, Wanzenried.

Total 43

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

Motion that **HB 333**, as amended, do pass carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery, Younkin.

Total 63

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McCann, McKenney, Mood, Pattison, Rice, Ripley, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 345** - Representative Mangan moved **HB 345** do pass.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**HB 345** - Representative Mangan moved **HB 345**, second reading copy, be amended as follows :

1. Page 2, line 5.

**Strike:** "Each"

**Insert:** "Subject to subsection (2), each"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McKenney, Sliter.

Total 2

Motion that **HB 345**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Adams, Balyeat, Lawson, Vick.

Total 4

Excused: None.

Total 0

Absent or not voting: Gillan, McKenney, Sliter.

Total 3

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**HB 377** - Representative Somerville moved **HB 377** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Lewis, Shockley.

Total 2

Excused: None.

Total 0

Absent or not voting: Lee.

Total 1

**HB 420** - Representative Sliter moved consideration of **HB 420** be passed for the day. Motion carried.

**HB 403** - Representative Gillan moved **HB 403** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, Branae, D. Brown, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin.

Total 69

Noes: Adams, Bales, Balyeat, Barrett, Bixby, R. Brown, Brueggeman, Buzzas, Clancy, Davies, Devlin, Fuchs, Holden, Jayne, Juneau, Kasten, Laszloffy, Lehman, Lindeen, Masolo, McCann, Pattison, Rice, Ripley, Shockley, Steinbeisser, Story, Vick, Witt, Wolery, Mr. Speaker.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 419** - Representative Shockley moved **HB 419** do pass. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Buzzas, Callahan, Carney, P. Clark, Dale, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Price, Raser, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.

Total 59

Noes: Adams, Bales, Balyeat, Barrett, Branae, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lewis, Masolo, McCann, Mood, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Smith, Story, Vick, Waitschies, Younkin, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: Bitney, D. Brown, Schmidt, Witt.

Total 4

**HB 440** - Representative Jacobson moved **HB 440** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Barrett, Masolo, Rice, Smith, Steinbeisser.

Total 5

Excused: None.

Total 0

Absent or not voting: Schmidt.

Total 1

**HB 451** - Representative Golie moved **HB 451** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 454** - Representative P. Clark moved **HB 454** do pass.

**HB 454** - Representative P. Clark moved **HB 454**, second reading copy, be amended as follows :

1. Page 2, line 9.

**Following:** "PUBLIC"

**Strike:** "ON A FIRST-COME, FIRST-SERVE BASIS"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Lee.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HB 454**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 457** - Representative Haines moved **HB 457** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Dell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Matthews, Musgrove, Newman, Noennig, K. Peterson, Rome, Schmidt, Schrumpf, Smith, Somerville, Tramelli.  
Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 471** - Representative K. Peterson moved **HB 471** do pass. Motion failed as follows:

Ayes: Adams, Bales, Balyeat, Bitney, Branae, D. Brown, R. Brown, Callahan, Carney, Clancy, P. Clark, Curtiss, Erickson, Esp, Fritz, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Lehman, Matthews, McKenney, Noennig, A. Peterson, K. Peterson, Price, Ripley, Rome, Schmidt, Schrumpf, Shockley, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Wolery, Younkin, Mr. Speaker.  
Total 46

Noes: Andersen, Barrett, Bixby, Bookout-Reinicke, Brueggeman, Buzzas, E. Clark, Cyr, Dale, Davies, Devlin, Eggers, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Himmelberger, Jayne, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, Mood, Musgrove, Newman, Olson, Pattison, Raser, Rice, Sliter, Smith, Somerville, Tramelli, Vick, Walters, Wanzenried, Whitaker, Witt.  
Total 53

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Absent or not voting: Dell.  
Total 1

**HB 472** - Representative Rome moved **HB 472** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Dale, Kasten, Pattison, K. Peterson, Story, Vick.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 496** - Representative Jent moved **HB 496** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Lee.  
Total 1

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1

**HB 502** - Representative Story moved **HB 502** do pass.

**HB 502** - Representative Story moved **HB 502**, second reading copy, be amended as follows :



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

1. Title, page 1, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS 61-10-128 AND"

2. Page 1.

**Following:** line 7

**Insert:** "Section 1. Section 61-10-128, MCA, is amended to read:

**"61-10-128. When authorities may restrict right to use roadway.** (1) A local authority may not alter the limitations provided in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of transportation by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of transportation or the authority that enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order, ordinance, or resolution is not effective until the signs are erected. The department of transportation or the authority by ordinance or resolution may prohibit the operation of trucks or other commercial vehicles or impose limitations on their weight on designated highways, subject to the provisions of subsection (3). These prohibitions and limitations must be designated by appropriate signs placed on the highways.

(3) Neither the department of transportation nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable seed potatoes that is traveling on a public highway if:

- (a) the vehicle is being operated within its legal licensed gross vehicle weight;
- (b) the driver possesses a federal-state inspection certificate issued for the load; and
- (c) the vehicle takes the most direct route from the point of loading to the nearest nonrestricted road.

(4) Hay grinders and their towing units are exempt from weight limits imposed by the department of transportation under this section."

**Renumber:** subsequent section

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Lee.

Total 1

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Absent or not voting: None.  
Total 0

Motion that **HB 502**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Gillan, Keane, Wanzenried.  
Total 3

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**HB 515** - Representative Lehman moved **HB 515** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Gutsche.  
Total 1

**HB 519** - Representative Forrester moved **HB 519** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Carney, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Adams, Buzzas, Clancy, Curtiss, Gallik, Gutsche, Harris, Hurdle, Jackson, Kasten, Mood, Pattison, K. Peterson, Schmidt, Thomas, Vick.

Total 16

Excused: None.

Total 0

Absent or not voting: R. Brown, Raser.

Total 2

**HB 521** - Representative Newman moved **HB 521** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Clancy, Davies.

Total 2

**HB 523** - Representative Shockley moved **HB 523** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Dale, Story.  
Total 2

Excused: None.  
Total 0

Absent or not voting: P. Clark, Witt.  
Total 2

**HB 551** - Representative Forrester moved **HB 551** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Adams, Balyeat, Esp, Fuchs, Jackson, Kasten, Masolo, Olson, Pattison, K. Peterson, Rice, Story, Vick, Waitschies.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 552** - Representative Shockley moved **HB 552** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 559** - Representative Noennig moved **HB 559** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Gallus, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 73

Noes: Bixby, Buzzas, Carney, P. Clark, Eggers, Erickson, Facey, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Raser, Tramelli, Wanzenried.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 560** - Representative Noennig moved **HB 560** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Jayne, Juneau.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Lewis.  
Total 1

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**HB 569** - Representative Esp moved **HB 569** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: McCann, Mr. Speaker.

Total 2

Excused: None.

Total 0

Absent or not voting: Davies, Forrester.

Total 2

**HB 599** - Representative Haines moved **HB 599** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 603** - Representative Shockley moved **HB 603** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 29** - Representative Carney moved **HJR 29** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Vick.

Total 1

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HJR 31** - Representative Schmidt moved **HJR 31** be adopted. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 75

Noes: Adams, Bales, Barrett, D. Brown, R. Brown, Buzzas, E. Clark, Davies, Esp, Fisher, Himmelberger, Kasten,

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Laible, Laszloffy, Lehman, Masolo, Pattison, Rice, Ripley, Story, Vick, Mr. Speaker.  
Total 22

Excused: None.  
Total 0

Absent or not voting: Balyeat, Dale, McCann.  
Total 3

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Fuchs.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Davies, Golie.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/20/2001  
Correctly printed: **HB 63, HB 214, HB 319, HB 452, HB 528, HB 530, HB 547, HB 587, HB 596, HB 612.**  
Correctly engrossed: **HB 90, HB 116, HB 131, HB 139, HB 313, HB 333, HB 345, HB 360, HB 403, HB 454, HB 499, HB 537, HJR 10.**  
Signed by the Speaker at 11:45 a.m., February 20, 2001: **HB 235.**  
Delivered to the Governor for her approval at 2:40 p.m., February 20, 2001: **HB 23, HB 37, HB 155, HB 220.**

**NATURAL RESOURCES** (Younkin, Chairman): 2/19/2001  
**HB 543**, introduced bill, be amended as follows:

1. Title, page 1, lines 7 and 8.

**Following:** "RESOLUTION"

**Strike:** remainder of line 7 through "76-1-606" on line 8

**Insert:** "UNLESS REQUIRED BY LOCAL SUBDIVISION REGULATIONS; ELIMINATING THE REQUIREMENT



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

FOR FILING CERTIFIED COPIES OF ORDINANCES RELATED TO CONFORMANCE WITH A  
GROWTH POLICY; AMENDING SECTIONS 76-1-606 AND 76-3-604"

2. Page 1.

**Following:** line 25

**Insert:** "Section 1. Section 76-1-606, MCA, is amended to read:

**"76-1-606. Effect of growth policy on subdivisions and plats.** (1) When a growth policy has been approved, the city council may by ordinance or the board of county commissioners may by resolution require subdivision plats to conform to the provisions of the growth policy. ~~Certified copies of the ordinance must be filed with the city or town clerk and with the county clerk and recorder of the county~~ provided that the local subdivision regulations are amended to include substantial compliance with the specific goals and objectives of the growth policy as grounds for plat approval. The regulations must also demonstrate means by which the subdivider may show compliance with the growth policy.

(2) When the city council has adopted an ordinance pursuant to subsection (1), a plat involving lands within the corporate limits of the city and covered by the growth policy may not be filed without first presenting it to the planning board, which shall make a report to the city council advising as to compliance or noncompliance of the plat with the growth policy. The city council has the final authority to approve the filing of a plat within the city limits.

(3) When the board of county commissioners has adopted a resolution pursuant to subsection (1), a plat involving lands outside the corporate limits of the city and covered by a growth policy may not be filed without first presenting it to the planning board, which shall make a report to the board of county commissioners advising as to compliance or noncompliance of the plat with the growth policy. The board of county commissioners has the final authority to approve the filing of the plat.

(4) The planning board may delegate to its staff its responsibility to report to the city council or the board of county commissioners under subsection (2) or (3).

(5) This section may not be interpreted to limit the present powers of city or county governments.

(6) The requirements of this section must be met before any plat may be filed of record or entitled to be recorded.""

**Renumber:** subsequent section

3. Page 2, line 2.

**Following:** "based"

**Insert:** "solely"

**Following:** "policy"

**Insert:** "unless the local subdivision regulations include substantial compliance with the adopted growth policy as grounds for approval of the plat"

4. Page 2, line 11.

**Strike:** section 2 in its entirety

And, as amended, do pass. Report adopted.

**HB 572**, introduced bill, be amended as follows:

1. Page 2, line 8.

**Following:** line 7

**Insert:** "(6) The legislature further declares that the provisions of [sections 1 through 5] do not relieve coal bed methane developers or operators from:

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

(a) any liability associated with the exploration or development of coal bed methane; or  
(b) the responsibility to comply with any applicable provision of Titles 75, 82, and 85 and any other provision of law applicable to the protection of natural resources or the environment."

And, as amended, do pass. Report adopted.

**HB 573**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

2. Page 2, line 13.

**Following:** "[sections 1 through 4]"

**Insert:** "and coal bed methane wells permitted under this part"

3. Page 2, line 17 and line 18.

**Following:** "managed"

**Strike:** "in" on line 17 through "(a)" on line 18

**Insert:** "for"

4. Page 2, line 19.

**Strike:** ";

**Insert:** "and if safe and prudent for the purpose.

(3) If the use of discharged ground water as provided in subsection (2) is not economically feasible, then ground water produced in association with the development of a coal bed methane well must be either:"

5. Page 2, line 20.

**Strike:** "(b) reinjection"

**Insert:** "(a) re injected"

6. Page 2, line 21.

**Strike:** "and"

7. Page 2, line 22.

**Strike:** "(c) discharge"

**Insert:** "(b) discharged"

**Following:** "75-5-401"

**Insert:** ";

or  
(c) managed through other disposal methods as provided by law"

8. Page 3, line 2.

**Strike:** "on passage and approval"

**Insert:** "June 1, 2002"

And, as amended, do pass. Report adopted.

**HB 586**, introduced bill, be amended as follows:

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

1. Title, line 7.

**Following:** ";;"

**Insert:** "PROVIDING FOR THE PRORATION OF PROPERTY TAXES ON CENTRALLY ASSESSED PROPERTY;"

**Following:** "76-3-103,"

**Insert:** "76-3-207,"

2. Page 3, line 15.

**Insert:** "Section 2. Section 76-3-207, MCA, is amended to read:

**"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions. (1)**

Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or ~~which that~~ redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) (a) ~~Subject to subsection (3)(b),~~ a division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) If a division of land includes centrally assessed property, in which the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis."

**Renumber:** subsequent sections

3. Page 9, line 10.

**Strike:** "the" through "plat"

**Insert:** "the requirement to hold a hearing on the preliminary plat pursuant to 76-3-605"

4. Page 10, line 2.

**Following:** "subdivisions"

**Insert:** "and divisions of land involving centrally assessed property"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

And, as amended, do pass. Report adopted.

**HJR 27**, be adopted. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):  
**HB 452**, introduced bill, be amended as follows:

2/19/2001

1. Page 1, line 12.

**Strike:** "7"

**Insert:** "8"

2. Page 1, line 16.

**Strike:** "7"

**Insert:** "8"

3. Page 1, line 18.

**Strike:** "7"

**Insert:** "8"

4. Page 1, line 20.

**Strike:** "7"

**Insert:** "8"

5. Page 1, line 27.

**Strike:** "7"

**Insert:** "8"

6. Page 1, line 30.

**Following:** "19-9-801"

**Insert:** "(2)"

7. Page 2, line 5.

**Following:** "receive"

**Insert:** "membership service or"

8. Page 2, line 14.

**Strike:** "Employer contributions may not be used to fund the DROP."

9. Page 2, line 18 through line 20.

**Strike:** line 18 through line 20 in their entirety

**Insert:** "(3) On or before December 31 each year, a pro rata portion of the retirement system's investment portfolio earnings will be credited to each DROP account. If a DROP account is open for only a portion of the fiscal year during which earnings are measured, earnings proportional to the fraction of the year the account was open will be credited to the account or, if the account is closed on date of payment, earnings will be paid to the participant."

10. Page 2, line 23.

**Strike:** "designated beneficiary"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

**Insert:** "surviving spouse or dependent child"

**Following:** "participant's"

**Insert:** "DROP"

11. Page 2, line 25 through line 28.

**Strike:** line 25 through line 28 in their entirety

**Insert:** "(2) If there is no surviving spouse or dependent child, the designated beneficiary is entitled to receive the lump-sum distribution."

**Insert:** "NEW SECTION. Section 7. Employment and benefits after DROP participation. (1) Except as otherwise provided in this section, if a member continues employment in a covered position after terminating participation in the DROP, the board shall consider the member newly hired as of the date the member's DROP participation terminated.

(2) A member who, after terminating DROP participation, continues employment in a covered position:

(a) is immediately vested for benefits accrued subsequent to terminating DROP participation; and

(b) when eligible, is entitled to a service retirement benefit based on:

(i) the member's service and final average compensation during membership subsequent to terminating DROP participation; and

(ii) the benefit amount last deposited to the member's DROP account;

(c) shall continue to make contributions based on the rate the member paid when the member started participating in the DROP."

**Renumber:** subsequent sections

12. Page 3.

**Following:** line 8

**Insert:** "NEW SECTION. Section 9. Board to seek commissioner's ruling or opinion. The public employees' retirement board shall, as soon as possible, request in writing a ruling or opinion from the commissioner of internal revenue as to whether the deferred retirement option plan established pursuant to [sections 1 through 8] constitutes a qualified plan pursuant to section 401(a) of the Internal Revenue Code. The board shall notify the secretary of state and code commissioner when the commissioner of internal revenue has issued a favorable determination."

**Renumber:** subsequent sections

13. Page 3, line 10.

**Strike:** "7"

**Insert:** "8"

14. Page 3, line 12.

**Strike:** "7"

**Insert:** "8"

15. Page 3, line 15.

**Strike:** "January 1, 2002"

**Insert:** "contingent on the notification to the secretary of state that the commissioner of internal revenue has made a favorable determination pursuant [section 9]."

16. Page 3, line 16.

**Strike:** "8"

**Insert:** "10"

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

And, as amended, do pass. Report adopted.

**HB 547**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "EXEMPTING" on line 6 through "PRACTICE" on line 7

**Insert:** "MAKING CERTAIN EXCEPTIONS"

2. Page 3, line 23.

**Strike:** "or"

3. Page 3, line 25.

**Following:** "treatment"

**Insert:** "; or

(3) acts involving the mother taking prescription or nonprescription medication or illicit drugs"

And, as amended, do pass. Report adopted.

**HB 612**, introduced bill, be amended as follows:

1. Page 4, line 2.

**Strike:** "90"

**Insert:** "76"

And, as amended, do pass. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 66** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

Total 57

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Devlin, Esp, Haines, Himmelberger, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Pattison, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 43

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Absent or not voting: None.  
Total 0

**HB 143** passed as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Gallus, Gillan, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Wolery, Younkin, Mr. Speaker.  
Total 71

Noes: Adams, Balyeat, Barrett, Davies, Eggers, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Hedges, Kasten, Laszloffy, Lehman, Lewis, McCann, Musgrove, Pattison, K. Peterson, Rice, Ripley, Rome, Smith, Tramelli, Vick, Walters, Wanzenried, Whitaker, Witt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 239** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 254** passed as follows:

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Bixby, P. Clark, Eggers, Erickson, Gallik, Hurdle, Jayne, Juneau, Kaufmann, Lindeen, Mangan, Rome, Tramelli, Tropila, Wanzenried.

Total 15

Excused: None.

Total 0

Absent or not voting: Musgrove.

Total 1

**HB 290** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 304 failed** as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Galvin-Halcro, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Ripley, Rome, Shockley, Sliter, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Walters, Wolery, Mr. Speaker.

Total 48



HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Noes: Andersen, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Rice, Schmidt, Schrumpf, Smith, Somerville, Story, Tramelli, Tropila, Wanzenried, Whitaker, Witt, Younkin.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 315** passed as follows:

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin.  
Total 56

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Eggers, Erickson, Esp, Fisher, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lawson, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Vick, Whitaker, Witt, Mr. Speaker.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 424** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 84

Noes: Balyeat, Bitney, Erickson, Esp, Jackson, Kasten, Laible, Lewis, Mangan, McKenney, Pattison, Steinbeisser, Story, Vick, Waitschies.  
Total 15

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Excused: None.  
Total 0

Absent or not voting: Tropila.  
Total 1

**HB 434** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Mood, A. Peterson.  
Total 2

**MOTIONS**

Representative Sliter moved that **HB 456, HB 397, HB 485, and HB 376** be taken from the Committee of the Whole and rereferred to Appropriations. There being no objections, so ordered.

Representative Golie requested on **HB 457**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Himmelberger requested on **HB 498**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schmidt requested on **HB 304**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Mangan requested on **HB 560**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Bales requested on **HB 531**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Jackson requested on **HB 374**, second reading today, that his vote be shown as yes. There being no

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

objections, so ordered.

Representative Haines requested on **HB 403** second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Matthews requested on **HB 603**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Witt requested on **HB 519**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Lee moved that the House reconsider its action on **HB 371**. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Price, Raser, Schmidt, Tramelli, Tropila, Wanzenried.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Haines, Hedges, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: Clancy, Himmelberger, Laslovich.

Total 3

Representative Hurdle moved that **HB 484** be taken from the table in the Committee on Human Services and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Tramelli, Tropila, Waddill, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

HOUSE JOURNAL  
FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 20, 2001

Excused: None.  
Total 0

Absent or not voting: Smith.  
Total 1

Representative Jent moved that **HB 514** be taken from the table in the Committee on Business and Labor and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery.  
Total 56

Noes: Adams, Andersen, Balyeat, Bitney, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, Rice, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 43

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Wednesday, February 21, 2001. Motion carried.

House adjourned at 5:07 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 21, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Buzzas. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Juneau, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/21/2001

Correctly printed: **HB 416, HB 459, HB 491, HB 529, HB 543, HB 558, HB 572, HB 573, HB 586, HB 589, HJR 23, HJR 27, HJR 30.**

Correctly engrossed: **HB 146, HB 209, HB 261, HB 374, HB 377, HB 378, HB 406, HB 409, HB 418, HB 419, HB 439, HB 440, HB 448, HB 451, HB 455, HB 457, HB 461, HB 472, HB 479, HB 488, HB 491, HB 495, HB 496, HB 497, HB 498, HB 502, HB 510, HB 513, HB 515, HB 517, HB 519, HB 521, HB 523, HB 524, HB 531, HB 542, HB 551, HB 552, HB 559, HB 560, HB 569, HB 583, HB 599, HB 603, HJR 18, HJR 21, HJR 22, HJR 24, HJR 25, HJR 29, HJR 31, HJR 32, HJR 33.**

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/20/2001

**SB 181**, introduced by Cobb  
**SB 207**, introduced by Keenan  
**SB 243**, introduced by Johnson  
**SB 303**, introduced by Hargrove  
**SB 305**, introduced by Cocchiarella  
**SB 309**, introduced by Halligan  
**SB 323**, introduced by McNutt  
**SB 358**, introduced by DePratu  
**SB 360**, introduced by Waterman  
**SB 370**, introduced by Halligan  
**SB 378**, introduced by Tash  
**SB 379**, introduced by Tash  
**SB 390**, introduced by Cobb  
**SB 404**, introduced by Franklin  
**SB 423**, introduced by Ellis

Senate joint resolution passed and transmitted to the House for concurrence:

2/20/2001

**SJR 13**, introduced by Crismore

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

**HB 615**, introduced by Lewis (by request of the House Joint Appropriations Subcommittee on Health & Human Services), referred to Appropriations.

**HB 616**, introduced by McGee, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 34**, introduced by Haines (by request of the House Appropriations Standing Committee), referred to Appropriations.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 261** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Gutsche.

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 282** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 94

Noes: E. Clark, Eggers, Erickson, Kaufmann, Mangan, Noennig.

Total 6

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 340** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, Gallik, Hurdle, Jayne, Kasten, Pattison, Story.

Total 7

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 353** passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 71

Noes: Adams, Balyeat, Bitney, R. Brown, Brueggeman, Dale, Davies, Devlin, Esp, Fuchs, Himmelberger, Holden, Kasten, Laible, Laszloffy, McCann, Pattison, K. Peterson, Rice, Ripley, Shockley, Somerville, Steinbeisser, Story, Vick,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Waitschies, Walters, Witt, Mr. Speaker.  
Total 29

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 360** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 374** passed as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Bales, Devlin, Esp, Hedges, Pattison, K. Peterson, Walters.  
Total 7



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 377** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Lewis, Shockley.

Total 2

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**HB 378** passed as follows:

Ayes: Balyeat, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Matthews, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rice, Schmidt, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Younkin.

Total 58

Noes: Adams, Andersen, Bales, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Davies, Fisher, Golie, Hedges, Himmelberger, Jackson, Kasten, Laible, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Musgrove, Pattison, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Vick, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 42

Voted Absentee: Juneau, Aye.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 401** passed as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery.  
Total 64

Noes: Adams, Bales, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, P. Clark, Cyr, Dell, Esp, Gallik, Hedges, Himmelberger, Hurdle, Jackson, Kaufmann, Laible, McCann, McKenney, Noennig, Pattison, K. Peterson, Rice, Ripley, Shockley, Smith, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Younkin, Mr. Speaker.  
Total 35

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Fritz.  
Total 1

**HB 403** passed as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jent, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 73

Noes: Adams, Bales, Balyeat, Barrett, Bixby, R. Brown, Davies, Devlin, Fuchs, Gallus, Holden, Jacobson, Jayne, Juneau, Kasten, Laszloffy, Lindeen, Masolo, McCann, Rice, Shockley, Steinbeisser, Story, Vick, Witt, Mr. Speaker.  
Total 26

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: K. Peterson.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 1

**HB 409** passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin.

Total 70

Noes: Adams, Balyeat, Bitney, R. Brown, Brueggeman, Curtiss, Dale, Davies, Dell, Esp, Fisher, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, McKenney, Noennig, Pattison, Ripley, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Whitaker, Mr. Speaker.

Total 30

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 419** passed as follows:

Ayes: Andersen, Bixby, Buzzas, Callahan, Carney, P. Clark, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.

Total 59

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Himmelberger, Jackson, Kasten, Laszloffy, Lewis, Masolo, McCann, Mood, Pattison, K. Peterson, Rice, Ripley, Sliter, Steinbeisser, Story, Vick, Waitschies, Witt, Younkin, Mr. Speaker.

Total 41

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

**HB 439** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: Adams, Balyeat, Mr. Speaker.

Total 3

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**HB 440** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Barrett, Masolo, Rice, Ripley, Smith, Steinbeisser.

Total 6

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Whitaker.

Total 1

**HB 451** passed as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 457** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Mangan, Matthews, Musgrove, Newman, Noennig, K. Peterson, Rome, Schmidt, Smith, Somerville, Tramelli.

Total 35

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 461** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 472** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Bitney, Dale, Dell, Hurdle, Kasten, Pattison, K. Peterson, Shockley, Story, Vick.

Total 10

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 488** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Adams.

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 496** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Lee.

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 498** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 500** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Shockley, Smith, Somerville, Story, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery.

Total 57

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Himmelberger, Holden, Jackson, Kasten, Laible, Lehman, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Steinbeisser, Thomas, Vick, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 43

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 515** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 517** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 519** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Sliter, Smith, Somerville, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Adams, Buzzas, Clancy, Curtiss, Dale, Gallik, Gutsche, Harris, Hurdle, Jackson, Kasten, Pattison, K. Peterson,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Schmidt, Shockley, Steinbeisser, Thomas, Vick.  
Total 18

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 521** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 523** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Dale, Kasten, McCann, Story.  
Total 5

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 531** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Fritz.

Total 1

**HB 542** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 551** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 79

Noes: Adams, Balyeat, Dale, Esp, Fuchs, Gallik, Gallus, Jackson, Kasten, Laszloffy, Masolo, Mood, Olson, Pattison, Rice, Ripley, Steinbeisser, Story, Vick, Waitschies.  
Total 20

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Davies.  
Total 1

**HB 552** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Masolo.  
Total 1

Excused: Juneau.  
Total 1

Absent or not voting: None.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 0

**HB 559** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Bixby, Buzzas, Carney, P. Clark, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Tramelli.

Total 21

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 560** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Jayne, Juneau.

Total 2

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

**HB 569** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: McCann, Smith, Mr. Speaker.

Total 3

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 599** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 603** passed as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HJR 29** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: R. Brown, E. Clark, Devlin, Kasten, Vick, Witt.

Total 6

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 31** adopted as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McKenney, Mood, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 65

Noes: Adams, Andersen, Bales, Barrett, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Gallus, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lewis, Masolo, McCann, Olson, Pattison, Rice, Story, Vick, Waitschies, Witt, Mr. Speaker.

Total 33

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Balyeat, Musgrove.

Total 2

**HJR 18** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: R. Brown, Kasten, McCann, Vick.

Total 4

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Eggers.

Total 1

**HJR 21** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, P. Clark, Curtiss, Dale, Davies, Dell, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo,



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: R. Brown, Buzzas, E. Clark, Cyr, Devlin, Erickson, Gallus, Gutsche, Harris, Hurdle, Kaufmann, K. Peterson.

Total 12

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 24** adopted as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin.

Total 77

Noes: Balyeat, Barrett, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Fuchs, Jackson, Jayne, Kasten, Laszloffy, Masolo, Mood, Pattison, Rice, Ripley, Thomas, Walters, Witt, Mr. Speaker.

Total 23

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 25** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: R. Brown.  
Total 1

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Holden.  
Total 1

**MOTIONS**

Representative Sliter requested on **HB 457**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Noennig requested on **HB 282**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Noennig requested on **HB 440**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Clancy requested on **HB 498**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Lee requested on **HB 457**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Galvin-Halcro requested on **HB 457**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Majority Leader Sliter moved that the House recess until 9:00 a.m. Motion carried.

House recessed at 8:26 a.m.

House reconvened at 9:00 a.m. All members present, except Representative Juneau, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Younkin moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

**HB 418** - Representative Younkin moved **HB 418** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Bixby, Hurdle, Kasten, Masolo, Pattison, Smith, Somerville, Story, Witt.

Total 9

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Walters.

Total 1

**HB 455** - Representative Lewis moved **HB 455** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Balyeat, Lee.

Total 2

**HB 479** - Representative Gallus moved **HB 479** do pass. Motion carried as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Esp, Lewis, K. Peterson, Vick.  
Total 4

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

**HB 510** - Representative Lawson moved **HB 510** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 583** - Representative Esp moved **HB 583** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Sliter.  
Total 1

**HJR 22** - Representative Curtiss moved **HJR 22** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: R. Brown, Buzzas, Cyr, Erickson, Facey, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Jent, Kaufmann, Raser.  
Total 13

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 32** - Representative Bixby moved **HJR 32** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: E. Clark, Devlin, K. Peterson, Somerville, Witt.

Total 5

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 33** - Representative Gillan moved **HJR 33** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat.

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Raser.

Total 1

**HB 209** - Representative Harris moved **HB 209** do pass.

**HB 209** - Representative Fuchs moved for cloture. Motion, requiring a two-thirds vote, failed as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, McCann, Musgrove, Newman, Raser, Smith, Tropila, Wanzenried.

Total 34

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Schmidt, Sliter.

Total 2

Motion that **HB 209** do pass. carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Schmidt, Shockley, Sliter, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 56

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Hedges, Holden, Kasten, Laible, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, Rice, Ripley, Rome, Schrumpf, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 43

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**HB 567** - Representative Lindeen moved consideration of **HB 567** be passed for the day. Motion carried.

**HB 406** - Representative Gillan moved **HB 406** do pass. Motion carried as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin.  
Total 80

Noes: Adams, Balyeat, Barrett, E. Clark, Dale, Davies, Devlin, Jackson, Kasten, Masolo, McKenney, Olson, Rice, Ripley, Shockley, Story, Vick, Walters, Witt, Mr. Speaker.  
Total 20

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 423** - Representative Dell moved **HB 423** do pass. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, K. Peterson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 46

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 54

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 448** - Representative G. Forrester moved **HB 448** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Buzzas, Hedges, Jayne, K. Peterson.  
Total 4

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

**HB 465** - Representative Kaufmann moved **HB 465** do pass.

**HB 465** - Representative Kaufmann moved **HB 465**, second reading copy, be amended as follows :

1. Title, page 1, line 6 through line 7.

**Strike:** "PROVIDING" on line 6 through "MONTANA;" on line 7

2. Title, page 1, line 14.

**Following:** "~~IMMEDIATE~~"

**Insert:** "IMMEDIATE"

3. Page 40, line 3.

**Strike:** "IE" through "ACT"

**Insert:** "[This act]"

4. Page 40, line 4.

**Strike:** "JANUARY 1, 2003"

**Insert:** "on passage and approval"

5. Page 40, line 13 through line 19.

**Strike:** section 37 in its entirety

Amendment **adopted** as follows:

Ayes: Balyeat, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Himmelberger, Hurdle, Jayne, Jent, Kaufmann, Keane, Lawson, Lee, Lenhart, Lewis, Lindeen, McCann, McKenney, Mood, Musgrove, Newman, Raser, Schmidt, Sliter, Smith, Story, Tropila, Waddill, Wanzenried, Whitaker, Witt, Mr. Speaker.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 51

Noes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, Clancy, E. Clark, Curtiss, Davies, Eggers, Forrester, Gallik, Gallus, Harris, Hedges, Holden, Jackson, Jacobson, Kasten, Laible, Laslovich, Laszloffy, Lehman, Mangan, Masolo, Matthews, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Thomas, Tramelli, Vick, Waitschies, Walters, Wolery, Younkin.

Total 47

Excused: Juneau.

Total 1

Absent or not voting: Bookout-Reinicke.

Total 1

Motion that **HB 465**, as amended, do pass failed as follows:

Ayes: Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Musgrove, Newman, Raser, Schmidt, Schrumpf, Shockley, Smith, Tropila, Wanzenried, Wolery.

Total 36

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 64

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Chairman Sliter moved the House recess until 12:50 p.m.

House recessed at 12:35 p.m.

House reconvened at 12:50. All members present, except Representative Juneau, excused. Quorum present.

**HB 491** - Representative Tropila moved **HB 491** do pass. Motion carried as follows:

Ayes: Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Adams, Andersen, Bales, Balyeat, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Haines, Jackson, Kasten, Laible, Lewis, Masolo, McCann, Mood, Pattison, A. Peterson, K. Peterson, Sliter, Story, Vick, Waitschies, Walters, Witt.  
Total 28

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Mr. Speaker assumed the chair.

**HB 492** - Representative P. Clark moved **HB 492** do pass. Motion failed as follows:

Ayes: Bales, Balyeat, Barrett, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Lenhart, Mood, Musgrove, Pattison, A. Peterson, Raser, Schmidt, Thomas, Tramelli, Waddill, Waitschies, Wanzenried, Younkin, Mr. Speaker.  
Total 46

Noes: Adams, Andersen, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Fisher, Fuchs, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Noennig, Olson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Vick, Walters, Whitaker, Witt, Wolery.  
Total 53

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Newman.  
Total 1

**HB 495** - Representative Olson moved **HB 495** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 84

Noes: Bixby, Buzzas, P. Clark, Erickson, Facey, Gallik, Gutsche, Jent, Kaufmann, Mangan, Musgrove, Raser, Smith, Walters.  
Total 14

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Davies, Dell.  
Total 2

**HB 497** - Representative Price moved **HB 497** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lawson, Lehman, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lewis, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Wanzenried.  
Total 45

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 146** - Representative Shockley moved **HB 146** do pass.

**HB 146** - Representative Shockley moved **HB 146**, second reading copy, be amended as follows :

1. Page 23, line 22.

**Following:** line 21

**Insert:** "NEW SECTION. Section 20. Cost containment fund -- allocation of appropriated funds -- use of

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

**funds.** The department of corrections shall establish a cost containment fund for the purposes of [section 17] and shall allocate to the fund \$600,000 each fiscal year from the funds appropriated for the juvenile placement budget for the fiscal biennium beginning July 1, 2001, to be used for the purposes of [section 17]."

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Cyr, Jayne, Laslovich, Lindeen.

Total 4

Excused: Juneau.

Total 1

Absent or not voting: Lee, Mangan, McCann, Somerville.

Total 4

**HB 146** - Representative K. Peterson moved **HB 146**, second reading copy, be further amended as follows :

1. Page 10, lines 4 through 7.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsection

2. Page 10, lines 8 and 9.

**Following:** "shall" on line 8

**Insert:** "at all times"

**Following:** "and" on line 8

**Strike:** "ensure"

**Insert:** "shall make every effort to see"

**Following:** "will" on line 9

**Strike:** "not overspend"

**Insert:** "stay within"

Amendment **not** adopted as follows:

Ayes: Bitney, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Hurdle, Jacobson, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lindeen, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Mr. Speaker.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Facey, Fisher, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 58

Excused: Juneau.

Total 1

Absent or not voting: Mangan.

Total 1

Motion that **HB 146**, as amended, do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fuchs, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Juneau, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Hurdle, Jacobson, Jayne, Kaufmann, Keane, Laslovich, Lawson, Lee, Lindeen, Musgrove, Newman, Noennig, K. Peterson, Schrumpf, Smith, Tramelli, Tropila, Wanzenried.

Total 33

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan, Sliter.

Total 2

**HB 513** - Representative Fuchs moved **HB 513** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 524** - Representative Keane moved **HB 524** do pass. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Curtiss, Cyr, Dell, Devlin, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lehman, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Tramelli, Tropila, Wanzenried, Witt, Wolery, Younkin.

Total 57

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Clancy, P. Clark, Dale, Davies, Eggers, Esp, Fisher, Fuchs, Haines, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lee, Lewis, Masolo, McKenney, Olson, Pattison, K. Peterson, Rice, Ripley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Mr. Speaker.

Total 42

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

Representative Younkin assumed the chair.

**HB 528** - Representative Story moved **HB 528** do pass. Motion failed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Brueggeman, E. Clark, Dale, Devlin, Esp, Fritz, Hedges, Holden, Juneau, Kasten, Lewis, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Ripley, Sliter, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Witt, Wolery.

Total 35

Noes: Adams, Balyeat, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, Newman, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Tramelli, Tropila, Vick, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 65

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 530** - Representative Kasten moved **HB 530** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, K. Peterson, Raser, Ripley, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 45

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 563** - Representative P. Clark moved **HB 563** do pass. Motion carried as follows:

Ayes: Andersen, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Smith, Steinbeisser, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 54

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Cyr, Davies, Devlin, Esp, Fisher, Gallus, Haines, Hedges, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laslovich, Masolo, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, Rice, Ripley, Rome, Shockley, Sliter,



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Somerville, Story, Thomas, Vick, Waitschies, Walters, Witt, Mr. Speaker.  
Total 45

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: Dale.  
Total 1

**HB 564** - Representative Olson moved **HB 564** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 51

Noes: Balyeat, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, McCann, Musgrove, Newman, Raser, Rice, Schmidt, Smith, Story, Tramelli, Tropila, Vick, Walters, Wanzenried.  
Total 49

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 570** - Representative Shockley moved **HB 570** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Story.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 571** - Representative Galvin-Halcro moved **HB 571** do pass. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Callahan, Carney, Clancy, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Tramelli, Tropila, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 585** - Representative Fuchs moved **HB 585** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Buzzas, Carney, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jayne, Kaufmann, Tramelli, Wanzenried.

Total 17

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 19** - Representative Curtiss moved **HJR 19** be adopted.

**HJR 19** - Representative Raser moved **HJR 19**, second reading copy, be amended as follows :

1. Page 1, line 28.

**Following:** "that"

**Insert:** "some members of"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Kaufmann, Keane, Laslovich, Lee, Lewis, Lindeen, Musgrove, Newman, Raser, Schmidt, Tramelli, Wanzenried.

Total 34

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Excused: Juneau.

Total 1

Absent or not voting: None.

Total 0

Motion that **HJR 19**, be adopted carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lee, Lindeen, Newman, Raser, Schmidt, Tramelli, Waddill.

Total 31

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 20** - Representative Curtiss moved **HJR 20** be adopted.

**HJR 20** - Representative Erickson moved **HJR 20**, second reading copy, be amended as follows :

1. Page 1.

**Strike:** line 15 through line 17 in their entirety

Amendment **not** adopted as follows:

Ayes: Bitney, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 56

Excused: Juneau.

Total 1

Absent or not voting: Forrester, Mangan, McCann.

Total 3

**HJR 20** - Representative Raser moved **HJR 20**, second reading copy, be amended as follows :

1. Page 1, line 10.

**Strike:** "Montana"

**Insert:** "California"

Amendment **not** adopted as follows:

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Kaufmann, Keane, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 39

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Excused: Juneau.

Total 1

Absent or not voting: McCann.

Total 1

**HJR 20** - Representative Gallik moved HJR 20, second reading copy, be amended as follows :

1. Page 1, line 21.

**Following:** "crisis"

**Insert:** "; and

WHEREAS, through legislation enacted by the 55th Montana Legislature, electricity that had historically been and continues to be generated in Montana and that had historically been dedicated to Montana users first was severed and made available to the highest bidder regardless of location"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Lee, Lenhart, Lindeen, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 36

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Excused: Juneau.

Total 1

Absent or not voting: McCann.

Total 1

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Motion that **HJR 20** be adopted carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Holden, Jackson, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted.

Representative P. Clark made a substitute motion that **HB 492** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Report adopted as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Lawson, Lee, Lenhart, Lindeen, Mangan, Mood, Musgrove, Newman, Olson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Somerville, Thomas, Tramelli, Tropila, Walters, Wanzenried, Witt, Wolery, Younkin.  
Total 56

Noes: Adams, Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Haines, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Noennig, Pattison, K. Peterson, Rice, Schrumpf, Sliter, Smith, Steinbeisser, Story, Vick, Waddill, Waitschies, Whitaker, Mr. Speaker.  
Total 42

Excused: Juneau.  
Total 1

Absent or not voting: A. Peterson.  
Total 1

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

**MOTIONS**

Representative Schrumpf requested on **HB 465**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Facey requested on **HB 209**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Lenhart requested on **HJR 20**, second reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Laslovich requested on **HJR 32**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Keane requested on **HB 209**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Harris moved that **HB 158** be taken from the table in the Committee on Business and Labor and rereferred to the Committee of the Whole on Legislative Day 44. Motion failed as follows:

Ayes: Balyeat, Bixby, Branae, Buzzas, Callahan, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Pattison, Raser, Schmidt, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Excused: Juneau.

Total 1

Absent or not voting: Carney, Smith, Somerville.

Total 3

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES** (Younkin, Chairman):

2/21/2001

**HB 459**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "environment"

**Insert:** "and that will ensure that in any environmental review under this part, when an agency considers alternatives, the alternative analysis will be in compliance with the provisions of subsection (1)(b)(iv)(C)"

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

2. Page 2, line 3.

**Strike:** "for the project sponsor"

3. Page 2, line 11.

**Following:** "section."

**Insert:** "[The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in [section 1 of Senate Bill No. 377]]."

4. Page 4.

**Following:** line 5

**Insert:** "(4) To the extent that the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) are inconsistent with federal requirements, the requirements of subsections (1)(b)(iv)(C)(I) and (1)(b)(iv)(C)(III) do not apply to a detailed statement that is being prepared by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to a detailed statement that is being prepared by a state agency to comply with the requirements of the National Environmental Policy Act."

5. Page 4, line 26.

**Following:** "each"

**Insert:** "institutional"

**Following:** "trust"

**Insert:** "as described in The Enabling Act of congress (approved February 22, 1899, 25 Stat. 676), as amended, the Morrill Act of 1862 (7 U.S.C. 301 through 308), and the Morrill Act of 1890 (7 U.S.C. 321 through 328)"

6. Page 4.

**Following:** line 30

**Insert:** "NEW SECTION. Section 4. Coordination instruction. (1) If Senate Bill No. 377 is not passed and approved, then the bracketed language in [section 1(1) of this act] that amends 75-1-201 is void.

(2) If Senate Bill No. 377 is passed and approved and if it does not establish time limits for environmental review, then the bracketed language in [section 1(1)of this act] that amends 75-1-201 is void."

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Lee moved that **HB 161** be taken from the table in the Committee on Education and rereferred to the Committee of the Whole on Legislative Day 44. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig,



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Excused: Juneau.  
Total 1

Absent or not voting: Harris.  
Total 1

Representative Schmidt moved that **HB 373** be taken from the table in the Committee on Transportation and rereferred to the Committee of the Whole on Legislative Day 44. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Witt.  
Total 39

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 59

Excused: Juneau.  
Total 1

Absent or not voting: Harris.  
Total 1

Representative Kaufmann moved that **HB 394** be taken from the table in the Committee on Business and Labor and rereferred to the Committee of the Whole on Legislative Day 44. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tropila, Wanzenried.  
Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Excused: Juneau.  
Total 1

Absent or not voting: Dell, Tramelli.  
Total 2

Representative Gutsche moved that **HB 522** be taken from the table in the Committee on Transportation and rereferred to the Committee of the Whole on Legislative Day 44. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

Excused: Juneau.  
Total 1

Absent or not voting: None.  
Total 0

Representative Golie moved that **HB 497** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Clancy moved that the House reconsider its action on **HB 304**. Motion failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 49

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Rice, Schmidt, Smith, Somerville, Story, Tramelli, Tropila, Wanzenried, Witt.  
Total 50

Excused: Juneau.  
Total 1

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Absent or not voting: None.  
Total 0

Representative Sliter moved that the House reconsider its action on Representative's Golie's motion on **HB 497**.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

Noes: Barrett, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 41

Excused: Juneau.  
Total 1

Absent or not voting: Clancy.  
Total 1

Mr. Speaker asked Representative Golie to move his motion.

Representative Golie challenged the ruling of the chair.

Representative Sliter moved the House stand at recess for the purpose of a ruling from the Rules Committee.

House recessed at 6:37 p.m.

House reconvened at 6:55 p.m.

Representative Mood reported on the ruling of the Rules Committee.

Representative Golie moved that **HB 497** be rereferred to the Committee on Appropriations.

Representative Balyeat moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 64

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Davies, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 32

Excused: Juneau.

Total 1

Absent or not voting: Cyr, Noennig, Waitschies.

Total 3

Motion that **HB 497** be rereferred failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 39

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Excused: Juneau.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Juneau present at this time.

**HB 473** - Representative Younkin moved **HB 473** do pass.

**HB 473** - Representative Wanzenried moved **HB 473**, second reading copy, be amended as follows :

1. Title, line 7.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

**Following:** "REQUIREMENTS"

**Insert:** "EXCEPT IN CERTAIN SITUATIONS WHERE STATUTORY REQUIREMENTS DO NOT EXIST"

2. Page 3, line 22.

**Following:** "(4)(a)"

**Strike:** "The"

**Insert:** "Except as provided in subsection (5), the "

3. Page 3.

**Following:** line 28

**Insert:** "(5) Until statutory provisions are provided to address the community and environmental impacts identified in this section, an agency may withhold, deny, or impose conditions on any permit or other authority to act based on an environmental review regarding:

(a) asbestos. A permit or other authority to act involving asbestos exposure may be withheld, denied, or conditioned until an air quality standard is adopted for asbestos.

(b) fish and wildlife protection. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available for the protection of wildlife calving areas, winter range, important waterfowl areas, or other sensitive wildlife areas.

(c) forest practices. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available to require the avoidance of steep and erosive slopes, to specify seasons of operations, prevent weeds, require the use of best management practices, and to protect soils, wildlife, and fisheries.

(d) community traffic and safety. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available to allow communities to control hours of operation, address traffic and school safety issues, and require road maintenance issues.

(e) weed prevention. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available to require preventative measures for agencies to apply in permitting or other state actions.

(f) state parks and fishing access sites. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available to protect adjacent property owners, address weed prevention, and establish standards for site planning.

(g) soil protection. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available that require the use of best management practices to avoid steep slopes or highly erosive soils.

(h) hard rock mining impacts. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are revised to include all major mines under the metal mine reclamation act so community impacts on schools, police, fire prevention, and infrastructure may be addressed.

(i) open-cut mines. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available to control lighting, prevent weeds, and control the hours of operation.

(j) Montana water uses. A permit or other authority to act may be withheld, denied, or conditioned until statutory provisions are available to require that a permit is necessary to dewater streams for highway projects, mines, or other purposes in order to avoid impacts on existing water rights."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt,

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 473** - Representative P. Clark moved **HB 473**, second reading copy, be amended as follows :

1. Title, line 7.

**Following:** "REQUIREMENTS"

**Insert:** "WITH CERTAIN EXCEPTIONS"

2. Page 3, line 25.

**Following:** "occur"

**Insert:** "unless, in the absence of any statutory or regulatory standard or requirement, the environmental review reveals that there may be significant impacts affecting:

- (i) weed prevention and control;
- (ii) adjacent private property or property owners;
- (iii) critical wildlife habitat; or
- (iv) existing water rights"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Absent or not voting: None.  
Total 0

Motion that **HB 473** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 459** - Representative Mood moved **HB 459** do pass.

**HB 459** - Representative Wanzenried moved **HB 459**, second reading copy, be amended as follows :

1. Page 2.

**Following:** line 7

**Insert:** "(II) in verifying the economic feasibility of an alternative for the project sponsor that is not a public agency, an agency may not require more than 3 years of audited financial statements from the project sponsor, except that bankruptcy information must be provided for the past 10 years;"

**Renumber:** subsequent subsections

2. Page 4, lines 13 and 14.

**Strike:** "~~(1)(B)(IV)(C)(III)~~"

**Insert:** "(1)(B)(IV)(C)(IV)"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 41

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 459** - Representative Harris moved **HB 459**, second reading copy, be amended as follows :

1. Page 2.

**Following:** line 7

**Insert:** "(II) the state auditor shall review relevant financial information concerning determinations of economic feasibility and prepare an analysis addressing the project sponsor's financial capacity to implement alternatives;"

**Renumber:** subsequent subsections

2. Page 4, lines 13 and 14.

**Strike:** "~~(1)(B)(iv)(C)(III)~~" in both places

**Insert:** "(1)(B)(iv)(C)(IV)" in both places

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HB 459** do pass carried as follows:



HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 41

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

Representative Younkin moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Musgrove, A. Peterson.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Thursday, February 22, 2001. Motion carried.

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

House adjourned at 9:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 22, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Mood. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/22/2001

**SB 19**, introduced by Halligan  
**SB 117**, introduced by Tester  
**SB 131**, introduced by Taylor  
**SB 138**, introduced by Nelson  
**SB 151**, introduced by Mahlum  
**SB 196**, introduced by Tester  
**SB 218**, introduced by Ryan  
**SB 221**, introduced by Johnson  
**SB 286**, introduced by Stonington  
**SB 304**, introduced by Nelson  
**SB 319**, introduced by Cole  
**SB 325**, introduced by Mahlum  
**SB 327**, introduced by Doherty  
**SB 333**, introduced by Beck  
**SB 354**, introduced by Crismore  
**SB 355**, introduced by Crismore  
**SB 362**, introduced by Tester  
**SB 369**, introduced by Glaser  
**SB 375**, introduced by Grimes  
**SB 376**, introduced by DePratu  
**SB 387**, introduced by Ellingson  
**SB 389**, introduced by Cobb  
**SB 393**, introduced by Thomas  
**SB 421**, introduced by Thomas  
**SB 424**, introduced by Glaser  
**SB 430**, introduced by Ellis  
**SB 431**, introduced by Stonington  
**SB 443**, introduced by Butcher  
**SB 451**, introduced by Johnson

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**SB 459**, introduced by Franklin

**SB 469**, introduced by DePratu

**SB 476**, introduced by Keenan

**SB 477**, introduced by Jergeson

Senate joint resolution passed and transmitted to the House for concurrence:

2/21/2001

**SJR 16**, introduced by Holden

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committee:

**HB 617**, introduced by Balyeat, Adams, Beck, Bohlinger, R. Brown, Brueggeman, Butcher, Clancy, E. Clark, Crismore, Curtiss, Dale, Davies, DePratu, Fisher, Forrester, Fuchs, Grimes, Haines, Kasten, Keenan, Laible, Lewis, Matthews, McGee, Miller, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Sliter, Sprague, Steinbeisser, Taylor, B. Thomas, F. Thomas, Vick, Waddill, Waitschies, Walters, Wells, Whitaker, Witt, Wolery, referred to Taxation.

**HB 618**, introduced by Balyeat, Adams, Bohlinger, Brueggeman, Butcher, Cole, Crismore, Dale, Davies, DePratu, Doherty, Fisher, Forrester, Fuchs, Haines, Harris, Jackson, Kasten, Laible, Lewis, Mahlum, McGee, Olson, Pattison, A. Peterson, Rice, Ripley, Shockley, Somerville, Sprague, B. Thomas, F. Thomas, Vick, Waddill, Waitschies, Walters, Wells, Whitaker, Wolery, Younkin, referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 90** passed as follows:

Ayes: Andersen, Bookout-Reinicke, Branae, E. Clark, Curtiss, Dale, Davies, Dell, Eggers, Facey, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Harris, Hedges, Holden, Jayne, Jent, Kasten, Kaufmann, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Vick, Waddill, Walters, Wolery.

Total 53

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Devlin, Erickson, Esp, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Himmelberger, Hurdle, Jackson, Jacobson, Juneau, Keane, Laible, Lawson, Lewis, Masolo, McCann, McKenney, Newman, Rice, Schmidt, Sliter, Story, Tropila, Waitschies, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**HB 116** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Fritz, Galvin-Halcro, Hurdle, Mangan, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 131** passed as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Davies, Erickson, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Jackson, Jent, Juneau, Kaufmann, Keane, Lawson, Lehman, Lenhart, Lewis, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Adams, Bales, Balyeat, Barrett, Bixby, Branae, R. Brown, E. Clark, Curtiss, Dell, Devlin, Eggers, Esp, Forrester, Gallik, Gutsche, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lee, Lindeen, Mangan, Masolo, McCann, Pattison, K. Peterson, Rice, Ripley, Schmidt, Smith, Story, Tramelli, Vick, Witt.

Total 40

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

**HB 139 failed** as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Wolery.

Total 44

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lawson, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: K. Peterson.

Total 1

**HB 209** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 57

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Pattison, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 313** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Excused: None.  
Total 0

Absent or not voting: Harris, A. Peterson, Thomas.  
Total 3

**HB 333** passed as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin.  
Total 67

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, McKenney, Rice, Ripley, Schrumpf, Steinbeisser, Story, Vick, Waitschies, Whitaker, Mr. Speaker.  
Total 32

Excused: None.  
Total 0

Absent or not voting: Juneau.  
Total 1

**HB 345** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Adams, Balyeat, Kasten, Masolo, Vick.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**HB 406** passed as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 83

Noes: Adams, Balyeat, Barrett, E. Clark, Davies, Devlin, Jackson, Kasten, Masolo, McKenney, Rice, Ripley, Shockley, Story, Vick, Walters, Mr. Speaker.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 418** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Buzzas, Fritz, Gutsche, Harris, Hurdle, Masolo, Smith, Somerville, Story, Wanzenried, Witt.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 448** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Buzzas, Jayne, K. Peterson.

Total 3

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

**HB 454** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Erickson, Smith.

Total 2

Excused: None.

Total 0

Absent or not voting: Eggers, Vick.

Total 2

**HB 455** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 479** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Dale, Esp, Lewis, K. Peterson, Steinbeisser, Story.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 491** passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 82

Noes: Adams, Bales, Balyeat, Dale, Davies, Esp, Haines, Jackson, Kasten, Laible, Lewis, McCann, Pattison, K. Peterson, Story, Vick, Waitschies, Walters.  
Total 18

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Absent or not voting: None.  
Total 0

**HB 495** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 83

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Kaufmann, Musgrove, Raser, Smith, Wanzenried.  
Total 17

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 497** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gillan, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lawson, Lehman, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lewis, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Wanzenried.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

**HB 499** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Devlin, Kasten, Vick.

Total 4

Excused: None.

Total 0

Absent or not voting: Lehman, Matthews.

Total 2

**HB 502** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 92

Noes: Buzzas, Galvin-Halcro, Gillan, Gutsche, Hurdle, Wanzenried.

Total 6

Excused: None.

Total 0

Absent or not voting: Mood, Mr. Speaker.

Total 2

**HB 510** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 513** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Dale.  
Total 1

**HB 524** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Dale, Dell, Devlin, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Shockley, Smith, Somerville, Tramelli, Tropila, Wanzenried, Witt, Wolery, Younkin.  
Total 54

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Davies, Eggers, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lewis, Mangan, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Schrumpf, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Mr. Speaker.  
Total 46

Excused: None.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 530** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Noes: Bixby, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, K. Peterson, Raser, Ripley, Schmidt, Smith, Tramelli, Tropila, Waddill, Walters, Wanzenried.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 537** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Buzzas, Gallus, Hurdle, McCann, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 563** passed as follows:

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Ayes: Andersen, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schruppf, Sliter, Smith, Steinbeisser, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 68

Noes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Davies, Devlin, Esp, Holden, Jackson, Jayne, Kasten, Laible, Laslovich, Masolo, McKenney, Newman, Noennig, Olson, Pattison, Rice, Ripley, Rome, Shockley, Somerville, Story, Thomas, Vick, Waitschies, Walters.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 564** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, D. Brown, R. Brown, Carney, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Haines, Harris, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schruppf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Noes: Balyeat, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Mangan, Masolo, Newman, Raser, Rice, Schmidt, Sliter, Tramelli, Tropila, Vick, Walters, Wanzenried.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 570** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Story.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 583** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: K. Peterson.

Total 1

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 585** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Bixby, Buzzas, Carney, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jayne, Kaufmann, Smith, Tramelli, Wanzenried.

Total 18



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 10** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 80

Noes: Branae, R. Brown, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Jayne, Kaufmann, Lee, K. Peterson, Waddill.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Davies.  
Total 1

**HJR 19** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 69

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lee, Lindeen, Raser, Schmidt, Tramelli, Tropila, Waddill.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**HJR 20** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Waddill, Wanzenried.

Total 39

Excused: None.

Total 0

Absent or not voting: Dale, Haines.

Total 2

**HJR 22** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 78

Noes: Bixby, Branae, R. Brown, Buzzas, Cyr, Eggers, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jent, Juneau, Kaufmann, Lee, Musgrove, Schmidt, Wanzenried.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 32** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: E. Clark, Devlin, Mangan, K. Peterson, Somerville.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 33** adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 473** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Total 40

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 459** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 40

Excused: None.

Total 0

Absent or not voting: Fritz.

Total 1

**MOTIONS**

Representative Newman requested that on **HB 345**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schrumpf requested that on **HB 497**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Jayne requested that on **HB 473**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Gutsche requested that on **HB 459**, third reading today, that her vote be shown as no. There being no objections, so ordered.

Representative Tropila requested that on **HJR 19**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Tropila requested that on **HJR 20**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Representative Gillan requested that on **HJR 10**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Gillan requested that on **HB 497**, third reading today, that her vote be shown as no. There being no objections, so ordered.

Representative Witt requested that on **HJR 33**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Laible requested that on **HB 139**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Waddill requested that on **HB 473**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Shockley requested that on **HB 570**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schmidt requested that on **HB 497**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Majority Leader Sliter moved that the House recess until 9:00 a.m.

House recessed at 8:25 a.m.

House reconvened at 9:00 a.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Golie in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 63** - Representative Dell moved **HB 63** do pass.

**HB 63** - Representative Sliter moved **HB 63**, second reading copy, be amended as follows :

1. Title, line 8.

**Following:** " ; "

**Insert:** "REQUIRING THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO DEVELOP A LONG-TERM DISABILITY PLAN AND A TRUST FUND THROUGH WHICH BENEFITS ARE PAID;"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Bixby, Facey, Musgrove, Newman, Raser.

Total 5

Excused: Schmidt.

Total 1

Absent or not voting: None.

Total 0

Representative Schmidt excused at this time.

Motion that **HB 63**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 71

Noes: Adams, Balyeat, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Dale, Davies, Devlin, Esp, Hedges, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Mood, Olson, Pattison, Rice, Ripley, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.

Total 29

Voted Absentee: Schmidt, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Schmidt present at this time.

**HB 107** - Representative Eggers moved **HB 107** do pass.

**HB 107** - Representative Sliter moved **HB 107**, second reading copy, be amended as follows :

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

1. Title, line 5.

**Strike:** "SPORTING GOODS EXCISE TAX"

**Insert:** "AID IN SPORT FISH RESTORATION AND FEDERAL AID IN WILDLIFE RESTORATION PROGRAM"

2. Page 2, line 1.

**Strike:** "sporting goods excise tax"

**Insert:** "aid in sport fish restoration and federal aid in wildlife restoration program"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Erickson, Facey, Fritz, Galvin-Halcro, Kaufmann, Keane, Wanzenried.

Total 7

Excused: None.

Total 0

Absent or not voting: Golie.

Total 1

Motion that **HB 107**, as amended, do pass carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Adams, Bales, Balyeat, Barrett, E. Clark, Davies, Devlin, Esp, Fuchs, Holden, Kasten, Laible, Laszloffy, Lawson, Pattison, K. Peterson, Shockley, Vick, Waitschies, Walters.

Total 20

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Absent or not voting: None.  
Total 0

**HB 319** - Representative Galvin-Halcro moved **HB 319** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Olson, Pattison, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt.  
Total 75

Noes: Adams, Bales, Barrett, E. Clark, Devlin, Esp, Himmelberger, Jackson, Lehman, Lewis, McKenney, Noennig, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Waitschies, Wolery, Younkin, Mr. Speaker.  
Total 24

Excused: None.  
Total 0

Absent or not voting: A. Peterson.  
Total 1

**HB 416** - Representative Juneau moved consideration of **HB 416** be passed for the day. Motion carried.

**HB 452** - Representative Whitaker moved **HB 452** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 81

Noes: Adams, Balyeat, Bitney, Dale, Davies, Devlin, Esp, Kasten, Laible, Masolo, Mood, K. Peterson, Rice, Somerville, Steinbeisser, Story, Vick, Witt.  
Total 18

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**HB 506** - Representative R. Brown moved **HB 506** do pass.

Representative Gallus moved for cloture. Motion carried.

Motion that **HB 506** do pass failed as follows:

Ayes: Balyeat, Bookout-Reinicke, Branae, R. Brown, Brueggeman, E. Clark, Curtiss, Dell, Esp, Fisher, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Harris, Himmelberger, Hurdle, Lewis, Lindeen, McKenney, Mood, A. Peterson, K. Peterson, Price, Rome, Schrumpf, Shockley, Sliter, Thomas, Vick, Waddill, Walters, Whitaker, Younkin, Mr. Speaker.

Total 36

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gillan, Golie, Gutsche, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Olson, Pattison, Raser, Rice, Ripley, Schmidt, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Wanzenried, Witt, Wolery.

Total 63

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

**HB 529** - Representative Pattison moved **HB 529** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Erickson, Fritz, Galvin-Halcro, Gutsche, Juneau, Wanzenried.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Facey assumed the chair.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**HB 539** - Representative Mangan moved **HB 539** do pass.

**HB 539** - Representative Mangan moved **HB 539**, second reading copy, be amended as follows :

1. Page 7, line 19.

**Strike:** "any"

**Insert:** "the portion of a"

2. Page 7, line 20.

**Strike:** "loans"

**Insert:** "the portion of a loan"

**Strike:** "up to"

**Insert:** "but not exceeding"

3. Page 7, line 21.

**Strike:** "all loans"

**Insert:** "the portion of a loan"

**Strike:** "exceed"

**Insert:** "exceeds"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hedges.

Total 1

Motion that **HB 539**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 74

Noes: Adams, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Fisher, Hedges, Himmelberger, Hurdle, Jackson, Laible, Laszloffy, Lehman, Lewis, McKenney, Pattison, K. Peterson, Rice, Ripley, Rome, Steinbeisser, Story, Vick, Waitschies.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 543** - Representative R. Brown moved **HB 543** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Hurdle, Kaufmann, Musgrove.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Fritz, Mood.  
Total 2

**HB 547** - Representative Davies moved **HB 547** do pass.

**HB 547** - Representative Brueggeman moved **HB 547**, second reading copy, be amended as follows :

1. Page 2, line 14.

**Following:** "person"

**Insert:** ", other than the mother,"

2. Page 3, line 26.

**Strike:** "OR"

3. Page 3, line 27.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**Following:** "DRUGS"

**Insert:** "; or (4) acts committed by the pregnant woman"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Dale, Davies, Dell, Devlin, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Juneau, Kasten, Kaufmann, Keane, Laible, Lawson, Lee, Lehman, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, Raser, Ripley, Rome, Schmidt, Schrumpf, Steinbeisser, Story, Tropila, Walters, Whitaker, Witt, Wolery, Younkin.

Total 58

Noes: Adams, Bixby, D. Brown, R. Brown, Callahan, Curtiss, Cyr, Eggers, Erickson, Esp, Fisher, Gallik, Gillan, Golie, Himmelberger, Holden, Jacobson, Jayne, Jent, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Noennig, K. Peterson, Rice, Smith, Thomas, Tramelli, Vick, Waddill, Wanzenried.

Total 36

Excused: None.

Total 0

Absent or not voting: Price, Shockley, Sliter, Somerville, Waitschies, Mr. Speaker.

Total 6

Motion that **HB 547**, as amended, do pass.

Representative Harris moved consideration of **HB 547** be passed for the day.

Representative Sliter made a substitute motion that consideration of **HB 547** be placed below **HB 589** on the second reading board. Motion carried.

**HB 492** - Representative Gillan moved consideration of **HB 492** be placed below **HB 579** on the second reading board. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Witt, Mr. Speaker.

Total 57

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, Curtiss, Dale, Esp, Fisher, Fuchs, Haines, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Somerville, Steinbeisser, Story, Waitschies, Whitaker, Wolery, Younkin.

Total 39

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Absent or not voting: E. Clark, Davies, Jent, Schmidt.  
Total 4

Representatives Harris, Jent, and Schmidt excused at this time.

**HB 558** - Representative Raser moved **HB 558** do pass. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Raser, Ripley, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 50

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Rice, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 49

Voted Absentee: Harris, Jent, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

Representative Tropila assumed the chair.

Representative Wanzenried moved consideration of **HB 573** be placed at the top of the second reading board.  
Motion carried.

**HB 573** - Representative Bales moved **HB 573** do pass.

**HB 573** - Representative Lindeen moved **HB 573**, second reading copy, be amended as follows :

1. Page 2, line 22.

**Following:** "FEASIBLE"

**Insert:** "for the landowner"

2. Page 2, line 23 and 24.

**Following:** "BE"

**Strike:** "EITHER:(A)"

3. Page 2, line 25.

**Following:** "82-2-111"

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**Strike:** " ; "

**Insert:** ". If reinjection is not a feasible alternative, the water must be either:"

4. Page 2, line 26.

**Strike:** "(B)"

**Insert:** "(a)"

5. Page 2, line 27.

**Strike:** "OR"

**Insert:** "(b) managed in compliance with the preferred alternative identified in the environmental impact statement; or"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Wanzenried.

Total 34

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpp, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Excused: Harris, Jent, Schmidt.

Total 3

Absent or not voting: Golie.

Total 1

Representative Schmidt present at this time.

**HB 573** - Representative Wanzenried moved **HB 573**, second reading copy, be amended as follows :

1. Page 1, line 20 through page 2, line 4.

**Strike:** subsections (3) and (4) in their entirety

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 35

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Excused: Harris, Jent.

Total 2

Absent or not voting: McCann.

Total 1

**HB 573** - Representative Vick moved for cloture. Motion, requiring a two-thirds vote, failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Hurdle, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 34

Excused: Harris, Jent.

Total 2

Absent or not voting: Davies, Jackson, Price, Waitschies.

Total 4

Motion that **HB 573** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 71

Noes: Bixby, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Wanzenried.

Total 29

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Voted Absentee: Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Bixby, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Hurdle, Juneau, Kaufmann, Keane, Lee, Musgrove, Newman, Raser, Schmidt, Smith, Wanzenried.  
Total 24

Excused: Harris, Jent.

Total 2

Absent or not voting: Matthews, K. Peterson.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/22/2001

Correctly engrossed: **HB 63, HB 107, HB 459, HB 473, HB 530, HB 539, HB 563, HB 564, HB 570, HB 585, HJR 19, HJR 20.**

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committee:

**HB 619**, introduced by Harris, Branae, Callahan, Carney, Cyr, Fritz, Gillan, Golie, Gutsche, Hurdle, Jacobson, Laslovich, Lee, Lindeen, Mangan, Newman, Raser, referred to Taxation.

**HB 620**, introduced by Devlin, Gallus, Price (by request of the House Transportation Standing Committee), referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 572** - Representative Bales moved **HB 572** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 70

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Mangan, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 30

Voted Absentee: Harris, Aye; Jent, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 574** - Representative Golie moved **HB 574** do pass. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Newman, Olson, A. Peterson, Price, Raser, Ripley, Schmidt, Schrupf, Smith, Tramelli, Tropila, Waitschies, Wanzenried.  
Total 56

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Esp, Fuchs, Haines, Hedges, Holden, Hurdle, Kasten, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Noennig, Pattison, K. Peterson, Rice, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 44

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Absent or not voting: None.  
Total 0

**HB 151** - Representative Newman moved **HB 151** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Witt, Wolery, Younkin.  
Total 79

Noes: Adams, Bitney, D. Brown, Davies, Fisher, Fuchs, Haines, Hedges, Jayne, Kasten, Laible, Laszloffy, Masolo, Pattison, Rice, Shockley, Story, Vick, Walters, Whitaker, Mr. Speaker.  
Total 21

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 579** - Representative Juneau moved **HB 579** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Total 0

**HB 492** - Representative P. Clark moved **HB 492** do pass.

**HB 492** - Representative McCann moved **HB 492**, second reading copy, be amended as follows :

1. Page 3, line 7.

**Following:** "agriculture."

Insert: "Upon attainment of population distribution goals of the management plan, prairie dogs may not be managed by the department as a species in need of management."

Amendment **adopted** as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Haines, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Adams, Andersen, Balyeat, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Fisher, Fritz, Gallus, Gutsche, Hedges, Jackson, Laible, Laszloffy, Lewis, Matthews, Olson, Sliter, Somerville, Steinbeisser, Vick, Waitschies, Walters, Whitaker.

Total 29

Excused: Harris, Jent.

Total 2

Absent or not voting: None.

Total 0

Motion that **HB 492**, as amended, do pass carried as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin, Mr. Speaker.

Total 72

Noes: Adams, Andersen, Balyeat, Bitney, D. Brown, E. Clark, Devlin, Fisher, Fuchs, Holden, Jackson, Kasten, Laible, Laszloffy, Lindeen, Masolo, Matthews, McCann, McKenney, Price, Rice, Schruppf, Sliter, Somerville, Steinbeisser, Vick, Whitaker, Witt.

Total 28

Voted Absentee: Harris, Jent, Ayes.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 547** - Representative Sliter moved consideration of **HB 547** be placed at the top of the second reading board.  
Motion carried.

**HB 547** - Representative Davies moved **HB 547**, as amended, do pass.

Representative Younkin moved for cloture. Motion carried.

Motion that **HB 547**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fuchs, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Wanzenried, Younkin.  
Total 42

Voted Absentee: Harris, Jent, Noes.

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

**HB 582** - Representative Gutsche moved **HB 582** do pass. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.  
Total 63

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fuchs, Haines, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lehman, Pattison,

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Rice, Ripley, Rome, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.  
Total 36

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

**HB 586** - Representative Wanzenried moved **HB 586** do pass.

Representative Wanzenried moved consideration of **HB 586** be placed at the bottom of the second reading board for the purpose of amendment. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 54

Excused: Harris, Jent.  
Total 2

Absent or not voting: Hurdle, Jackson, Schmidt, Somerville.  
Total 4

Motion that **HB 586** do pass failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Total 56

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

**HB 587** - Representative Laible moved **HB 587** do pass.

**HB 587** - Representative Musgrove moved **HB 587**, second reading copy, be amended as follows :

1. Page 1, line 24.

**Following:** "regulation;"

**Insert:** "and"

2. Page 1, line 25 through line 27.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

3. Page 3, line 12.

**Strike:** "7"

**Insert:** "10"

4. Page 3, line 13.

**Strike:** "7"

**Insert:** "10"

5. Page 3, line 25.

**Following:** "~~subdivision~~"

**Insert:** "The costs must reasonably reflect the expected impacts directly attributable to the subdivision."

**HB 587** - Representative Musgrove moved the amendment be divided. Thereupon, the amendment numbers 1 and 2 failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hurdle, Jackson, Jacobson, Jayne, Juneau, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Wolery.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Total 53

Excused: Harris, Jent.

Total 2

Absent or not voting: Devlin, Kaufmann.

Total 2

Thereupon, the amendment numbers 3 and 4 failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Wolery.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 54

Excused: Harris, Jent.

Total 2

Absent or not voting: Davies.

Total 1

Thereupon, the amendment number 5 failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, A. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Witt, Wolery.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Younkin, Mr. Speaker.

Total 52

Excused: Harris, Jent.

Total 2

Absent or not voting: Forrester, Masolo.

Total 2

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

The motion that **HB 587**, do pass failed as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McKenney, Mood, Pattison, Price, Ripley, Rome, Shockley, Sliter, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 41

Noes: Andersen, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rice, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Wanzenried, Wolery.

Total 58

Voted Absentee: Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: Schmidt.

Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Bixby, Bookout-Reinicke, Buzzas, Eggers, Gallik, Galvin-Halcro, Gutsche, Hurdle, Lee, Schmidt, Schrumpf, Wanzenried, Whitaker.

Total 13

Excused: Harris, Jent.

Total 2

Absent or not voting: Erickson, Gillan, Laible.

Total 3

**MOTIONS**



HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Representative Sliter moved that the House consent to the Senate adjourning for more than three days for transmittal break. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/22/2001

Correctly engrossed: **HB 319, HB 452, HB 492, HB 529, HB 543, HB 547, HB 572, HB 573.**

Delivered to the Governor for her approval at 3:50 p.m., February 22, 2001: **HB 235.**

**MOTIONS**

Representative Sliter moved that **HB 416** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried.

Representative Sliter moved that **HB 572** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 589** - Representative Facey moved **HB 589** do pass. Motion carried as follows:

Ayes: Bales, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Olson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 53

Noes: Adams, Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, Dale, Davies, Fisher, Fuchs, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Masolo, McCann, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 47

Voted Absentee: Harris, Jent, Ayes; Hurdle, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**HB 596** - Representative Bitney moved **HB 596** do pass.

**HB 596** - Representative Gallik moved **HB 596**, second reading copy, be amended as follows :

1. Page 1, line 21.

**Strike:** "18"

**Insert:** "9"

**Strike:** "6,000"

**Insert:** "700"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Himmelberger, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, McCann, Musgrove, Newman, Pattison, Raser, Ripley, Schmidt, Smith, Tramelli, Wanzenried, Whitaker.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, Curtiss, Dale, Davies, Devlin, Facey, Fisher, Gallus, Haines, Hedges, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Excused: Harris, Hurdle, Jent.

Total 3

Absent or not voting: None.

Total 0

Motion that **HB 596**, do pass carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Facey, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Jacobson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Matthews, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Adams, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Holden, Hurdle, Jackson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Masolo, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 47

Voted Absentee: Harris, Jent, Ayes; Hurdle, No.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

**HB 605** - Representative Mood moved **HB 605** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Fisher, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 53

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Witt.  
Total 47

Voted Absentee: Harris, Jent, Ayes; Hurdle, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 612** - Representative R. Brown moved **HB 612** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Bixby, Buzzas, P. Clark, Cyr, Eggers, Erickson, Facey, Gutsche, Jayne, Juneau, Kaufmann, Lindeen, Mangan, Schmidt.  
Total 14

Voted Absentee: Harris, Hurdle, Jent, Ayes.

Excused: None.

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Total 0

Absent or not voting: None.

Total 0

**HJR 23** - Representative Wanzenried moved **HJR 23** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: R. Brown, Fuchs, Harris, Vick, Whitaker.

Total 5

Voted Absentee: Hurdle, Jent, Ayes; Harris, No.

Excused: None.

Total 0

Absent or not voting: Bixby, Juneau.

Total 2

**HJR 27** - Representative Bales moved **HJR 27** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: R. Brown, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jent, Kasten, Kaufmann, Wanzenried.

Total 11

Voted Absentee: Harris, Hurdle, Jent, Noes.

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

Absent or not voting: None.  
Total 0

**HJR 30** - Representative Story moved **HJR 30** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: R. Brown, Gutsche.  
Total 2

Voted Absentee: Harris, Hurdle, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: Facey.  
Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 84

Noes: Bixby, Eggers, Erickson, Fuchs, Juneau, Kaufmann, McCann, Wanzenried, Witt.  
Total 9

Excused: Harris, Hurdle, Jent.  
Total 3

Absent or not voting: Buzzas, Gallus, Gillan, Schmidt.  
Total 4

HOUSE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 22, 2001

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/22/2001

Correctly engrossed: **HB 151, HB 558, HB 574, HB 579, HB 582, HB 589, HB 596, HB 605, HB 612, HJR 23, HJR 27, HJR 30.**

**MOTIONS**

Representative K. Peterson requested on **HB 543**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Jacobson requested on **HB 139**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Shockley requested on **HJR 30**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative E. Clark requested on **HB 558**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

**ANNOUNCEMENTS**

Representative Holden led the House in singing Happy Birthday to Representative Davies.

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Friday, February 23, 2001. Motion carried.

House adjourned at 7:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 23, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Facey. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Harris and Jent, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-ninth, fortieth, and forty-first legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/22/2001

**SB 73**, introduced by Glaser  
**SB 96**, introduced by Mahlum  
**SB 226**, introduced by Wells  
**SB 231**, introduced by Grimes  
**SB 293**, introduced by Doherty  
**SB 326**, introduced by Taylor  
**SB 344**, introduced by Cobb  
**SB 348**, introduced by Elliott  
**SB 359**, introduced by Halligan  
**SB 368**, introduced by Shea  
**SB 377**, introduced by Grimes  
**SB 384**, introduced by Ryan  
**SB 400**, introduced by Jergeson  
**SB 407**, introduced by Berry  
**SB 408**, introduced by McCarthy  
**SB 420**, introduced by Waterman  
**SB 432**, introduced by Taylor  
**SB 433**, introduced by Elliott  
**SB 436**, introduced by Ellis  
**SB 437**, introduced by Cole  
**SB 440**, introduced by Christiaens  
**SB 448**, introduced by Christiaens  
**SB 450**, introduced by Grimes  
**SB 457**, introduced by Ryan  
**SB 467**, introduced by Grimes  
**SB 470**, introduced by O'Neil  
**SB 474**, introduced by Grimes  
**SB 479**, introduced by Hargrove  
**SB 480**, introduced by Berry  
**SB 482**, introduced by Ekegren

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

**SB 487**, introduced by Halligan  
**SB 489**, introduced by Grosfield

**SB 396**, introduced by Grosfield, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/22/2001

Yeas - 35  
Nays - 15

**MESSAGES FROM THE GOVERNOR**

February 22, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 50** sponsored by Representative Juneau, **House Bill 180** sponsored by Representative Callahan, and **House Bill 220** sponsored by Representative Lawson on February 22, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 621**, introduced by Lindeen, referred to Taxation.  
**HB 622**, introduced by Raser, Lenhart, referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 63** passed as follows:

Ayes: Bales, Barrett, Bixby, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli,



HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 71

Noes: Adams, Andersen, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Davies, Devlin, Esp, Hedges, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, Mood, Pattison, Rice, Ripley, Rome, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.  
Total 29

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 107** passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 81

Noes: Adams, Bales, Balyeat, Barrett, E. Clark, Dale, Davies, Devlin, Esp, Fuchs, Kasten, Laible, Laszloffy, Lawson, Pattison, K. Peterson, Vick, Waitschies, Walters.  
Total 19

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 146** passed as follows:

Ayes: Adams, Andersen, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Facey, Fisher, Fritz, Fuchs, Galvin-Halcro, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Kasten, Laible, Laszloffy, Lee, Lehman, Lenhart, Lewis, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Shockley, Sliter, Somerville, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Noes: Bales, Balyeat, Barrett, Bixby, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Erickson, Forrester, Gallik, Gallus, Golie, Harris, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lindeen, Masolo, Musgrove, Newman, Noennig, K. Peterson, Rome, Schmidt, Schrumpf, Smith, Steinbeisser, Tropila, Wanzenried.

Total 39

Voted Absentee: Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: Eggers, Mangan.

Total 2

**HB 151** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Witt, Wolery, Younkin.

Total 80

Noes: Adams, Bitney, D. Brown, Dale, Davies, Fisher, Jayne, Kasten, Laible, Laszloffy, Masolo, Pattison, Rice, Shockley, Steinbeisser, Story, Vick, Walters, Whitaker, Mr. Speaker.

Total 20

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 319** passed as follows:

Ayes: Balyeat, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt.

Total 74

Noes: Adams, Andersen, Bales, Barrett, Bitney, Brueggeman, E. Clark, Davies, Devlin, Esp, Hedges, Jackson,

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Lehman, Lewis, Mood, Rice, Ripley, Rome, Somerville, Steinbeisser, Story, Waitschies, Wolery, Younkin, Mr. Speaker.  
Total 25

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dell.  
Total 1

**HB 452** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 83

Noes: Adams, Balyeat, Dale, Davies, Devlin, Esp, Hedges, Kasten, Laible, Masolo, McCann, Mood, K. Peterson, Somerville, Steinbeisser, Story, Witt.  
Total 17

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 492** passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Adams, Balyeat, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Fisher, Fuchs, Gallus, Jackson, Kasten, Laible, Laszloffy, Lindeen, Masolo, Matthews, McCann, McKenney, K. Peterson, Rice, Sliter, Somerville, Steinbeisser, Story, Vick, Walters, Wanzenried, Whitaker, Witt.

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Total 33

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Curtiss, Jacobson.

Total 2

**HB 529** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Erickson, Fritz, Galvin-Halcro, Gutsche, Juneau, Tramelli, Wanzenried.

Total 7

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 539** passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Adams, Balyeat, Bitney, R. Brown, Brueggeman, Clancy, Fisher, Hedges, Hurdle, Jackson, Laszloffy, Lehman, Lewis, McKenney, Mood, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Steinbeisser, Story, Vick, Waitschies.

Total 25

Voted Absentee: Harris, Jent, Ayes.

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 543** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: P. Clark, Eggers, Hurdle, Jent, Musgrove, Smith, Wanzenried.  
Total 7

Voted Absentee: Harris, Aye; Jent, No.

Excused: None.  
Total 0

Absent or not voting: Gutsche.  
Total 1

**HB 547** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fuchs, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 40

Voted Absentee: Harris, Jent, Noes.

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Absent or not voting: Davies.  
Total 1

**HB 558 failed** as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Ripley, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 48

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 52

Voted Absentee: Harris, Jent, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 573 passed** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 69

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Musgrove, Newman, Raser, Smith, Tramelli, Wanzenried.  
Total 29

Voted Absentee: Harris, Jent, Noes.

Excused: None.  
Total 0

Absent or not voting: Davies, Holden.  
Total 2

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

**HB 574** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Olson, A. Peterson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Vick, Waitschies, Wanzenried.

Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Esp, Fuchs, Haines, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Noennig, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 45

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 579** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Clancy.

Total 1

**HB 582** passed as follows:

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 60

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Mood, Pattison, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 39

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

**HB 589** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Olson, A. Peterson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 52

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Dale, Davies, Dell, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Masolo, McCann, Mood, Noennig, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 48

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 596** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible,



HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 50

Noes: Adams, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, McCann, Musgrove, Newman, Noennig, Pattison, K. Peterson, Raser, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 48

Voted Absentee: Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: Bitney, Fritz.

Total 2

**HB 605** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 52

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Schmidt, Schruppf, Smith, Tramelli, Tropila, Waddill, Wanzenried, Witt.

Total 48

Voted Absentee: Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 612** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart,

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Cyr, Eggers, Erickson, Gallik, Gutsche, Hurdle, Jayne, Juneau, Lindeen, Wanzenried.

Total 11

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 23** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: R. Brown, Fuchs, Kasten, Pattison, Vick, Whitaker.

Total 6

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 27** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith,

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: R. Brown, Fritz, Galvin-Halcro, Gutsche, Mangan.

Total 5

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 30** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: R. Brown, Fritz, Galvin-Halcro, Gutsche, Hurdle, Raser, Wanzenried.

Total 7

Voted Absentee: Harris, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Himmelberger, Story.

Total 2

**MOTIONS**

Representative Golie requested on **HB 574**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Gillan requested on **HB 146**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Shockley requested on **HB 151**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - FEBRUARY 23, 2001

Representative Jackson requested on **HJR 23**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Thomas requested on **HJR 23**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 617** : Hargrove, O'Neil, and Younkin.

Representative Sliter presented a humorous awarded for the most meaningful and far-reaching bill for this 57<sup>th</sup> Legislative Session to Representative Whitaker for his state butterfly bill.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 4:00 p.m., Saturday, February 24, 2001. Motion carried.

House adjourned at 8:30 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 28, 2001

House Chambers  
State Capitol

House convened at 4:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Brueggeman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bales, Bookout-Reinicke, Curtiss, Galvin-Halcro, Harris, Mangan, Schmidt, and Wanzenried, excused. Quorum present.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/22/2001

**SB 46**, introduced by Bishop  
**SB 163**, introduced by Grosfield  
**SB 277**, introduced by Shea  
**SB 314**, introduced by Doherty  
**SB 361**, introduced by McNutt  
**SB 381**, introduced by Cobb  
**SB 402**, introduced by Shea  
**SB 405**, introduced by Jergeson  
**SB 426**, introduced by Halligan  
**SB 428**, introduced by Harrington  
**SB 438**, introduced by Christiaens  
**SB 441**, introduced by Christiaens  
**SB 442**, introduced by Cobb  
**SB 445**, introduced by Taylor  
**SB 446**, introduced by DePratu  
**SB 449**, introduced by Tester  
**SB 454**, introduced by Waterman  
**SB 455**, introduced by Doherty  
**SB 461**, introduced by Franklin  
**SB 465**, introduced by Franklin  
**SB 472**, introduced by Grosfield  
**SB 473**, introduced by Waterman  
**SB 484**, introduced by Beck  
**SB 491**, introduced by Taylor

Senate joint resolutions passed and transmitted to the House for concurrence:

2/22/2001

**SJR 3**, introduced by McCarthy  
**SJR 12**, introduced by Beck  
**SJR 18**, introduced by Taylor

**SB 397**, introduced by Grosfield, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/22/2001

HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - FEBRUARY 28, 2001

Yeas - 34  
Nays - 16

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Matthews in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 54** - Representative Younkin moved **SB 54** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bales, Galvin-Halcro, Harris, Mangan, Schmidt, Wanzenried, Ayes.

Excused: Bookout-Reinicke, Curtiss.

Total 2

Absent or not voting: None.

Total 0

**SB 93** - Representative J. Whitaker moved **SB 93** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: K. Peterson.

HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - FEBRUARY 28, 2001

Total 1

Voted Absentee: Bales, Galvin-Halcro, Harris, Mangan, Schmidt, Wanzenried, Ayes.

Excused: Bookout-Reinicke, Curtiss.

Total 2

Absent or not voting: None.

Total 0

**SB 214** - Representative Barrett moved **SB 214** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Hurdle.

Total 1

Voted Absentee: Bales, Galvin-Halcro, Harris, Mangan, Schmidt, Wanzenried, Ayes.

Excused: Bookout-Reinicke, Curtiss.

Total 2

Absent or not voting: None.

Total 0

**SJR 5** - Representative E. Clark moved **SJR 5** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

HOUSE JOURNAL  
FORTY-SIXTH LEGISLATIVE DAY - FEBRUARY 28, 2001

Voted Absentee: Bales, Galvin-Halcro, Harris, Mangan, Schmidt, Wanzenried, Ayes.

Excused: Bookout-Reinicke, Curtiss.

Total 2

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Matthews moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: None.

Total 0

Excused: Bales, Bookout-Reinicke, Curtiss, Galvin-Halcro, Harris, Mangan, Schmidt, Wanzenried.

Total 8

Absent or not voting: Fritz, Matthews.

Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, March 1, 2001. Motion carried.

House adjourned at 4:24 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 1, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Whitaker. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bookout-Reinicke, P. Clark, and Mangan, excused. Quorum present.

Mr. Speaker introduced the pages for the week:

Meagan Husted, Jackson  
Seth Rhodes, Kalispell  
Matt MacDonald, Great Falls  
Derek Wadman, Roundup  
Greg Franz, Billings  
Justus Wendland, Rudyard  
Stephanie Burtch, Whitehall

Representative Holden led the House in singing Happy Birthday to Representative Whitaker.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/1/2001  
Correctly engrossed: **SB 54, SB 93, SB 214, SJR 5.**

**TAXATION** (Story, Chairman): 3/1/2001  
**HB 277**, introduced bill, be amended as follows:

1. Title, lines 4 through 14.

**Following:** the second "ACT" on line 4

**Strike:** remainder of line 4 through "YEAR;" on line 14

2. Title, lines 15 and 16.

**Following:** "FUND" on line 15

**Insert:** "TO BE USED TO PROVIDE FUNDING FOR K-12 EDUCATION"

**Strike:** "AMENDING" on line 15 through "MCA;" on line 16

3. Page 1, line 21 through page 13, line 19.

**Strike:** sections 1 through 13 in their entirety

**Renumber:** subsequent sections

4. Page 13, lines 21 through 25.

**Strike:** "Appropriation --" on line 21

**Insert:** "Fund"

**Following:** "transfer." on line 21

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

**Strike:** remainder of line 21 through "(2)" on line 25

5. Page 13, line 26.

**Following:** "fund"

**Insert:** "to be used to provide funding for K-12 education"

6. Page 13, line 28 through page 14, line 2.

**Strike:** section 15 in its entirety

**Renumber:** subsequent sections

7. Page 14, lines 4 through 7.

**Following:** "Because" on line 4

**Strike:** remainder of line 4 through "appropriate" on line 5

**Insert:** "[section 1] transfers"

**Following:** "fund" on line 5

**Strike:** remainder of line 5 through "fund" on line 6

**Following:** "constitution" on line 6

**Strike:** remainder of line 6 through "State," on line 7

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

March 1, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 37** sponsored by Representative Witt, **House Bill 235** sponsored by Representative R. Brown, and **House Bill 246** sponsored by Representative Bales on March 1, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 3**, introduced by Kitzenberg, referred to Transportation.

**SB 33**, introduced by McCarthy, Crismore, Gillan, Tester, Younkin (by request of the Environmental Quality Council), referred to Natural Resources.

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

**SB 65**, introduced by Ellis (by request of the Education Interim Committee), referred to Education.

**SB 77**, introduced by Hargrove (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 78**, introduced by Hargrove, referred to Business and Labor.

**SB 80**, introduced by Mahlum, referred to Business and Labor.

**SB 81**, introduced by Hargrove (by request of the Department of Natural Resources and Conservation and the Department of Agriculture), referred to Agriculture.

**SB 82**, introduced by Keenan (by request of the Legislative Finance Committee), referred to Human Services.

**SB 94**, introduced by Shea (by request of the Office of Public Instruction), referred to Education.

**SB 97**, introduced by Mahlum (by request of the Business and Labor Interim Committee), referred to Business and Labor.

**SB 107**, introduced by Franklin (by request of the Legislative Finance Committee), referred to Human Services.

**SB 111**, introduced by Ellis, referred to Education.

**SB 116**, introduced by Stonington (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 128**, introduced by Bohlinger, referred to Judiciary.

**SB 129**, introduced by Berry (by request of the Department of Public Health and Human Services), referred to Taxation.

**SB 141**, introduced by Stonington, referred to Business and Labor.

**SB 144**, introduced by Nelson (by request of the Department of Revenue), referred to Local Government.

**SB 158**, introduced by Grosfield (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

**SB 167**, introduced by Stonington (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 169**, introduced by Franklin (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 171**, introduced by Glaser (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 179**, introduced by Zook (by request of the Office of Budget and Program Planning), referred to Appropriations.

**SB 187**, introduced by Cobb, referred to Local Government.

**SB 190**, introduced by Johnson, referred to Local Government.

**SB 191**, introduced by DePratu, referred to Transportation.

**SB 197**, introduced by Tester, referred to Agriculture.

**SB 198**, introduced by Taylor, referred to Local Government.

**SB 210**, introduced by Waterman, referred to Local Government.

**SB 219**, introduced by Waterman, referred to Business and Labor.

**SB 237**, introduced by Cole, Somerville, Wanzenried, referred to Transportation.

**SB 241**, introduced by Wells, Clancy, Dale, Hargrove, Harrington, Stonington, Walters, Wanzenried, Younkin, referred to Local Government.

**SB 242**, introduced by O'Neil, Keenan, referred to Business and Labor.

**SB 244**, introduced by Halligan, Bohlinger, Christiaens, Cocchiarella, Ellingson, Facey, Grosfield, Harrington, Jergeson, Lee, Mahlum, McCarthy, Pease, Ryan, Shea, Stonington, Wanzenried, Waterman, referred to Appropriations.

**SB 245**, introduced by Holden, Devlin, Ekegren, McNutt, Pease, referred to Agriculture.

**SB 248**, introduced by Grimes, referred to Human Services.

**SB 249**, introduced by Toole, Bohlinger, Ellingson, Harrington, Jacobson, Kaufmann, Lee, Wanzenried, Waterman, referred to State Administration.

**SB 253**, introduced by Cocchiarella, DePratu, Himmelberger, Kitzenberg, Mahlum, Matthews, Olson, Taylor, Younkin, referred to Business and Labor.

**SB 256**, introduced by Hargrove, referred to State Administration.

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

**SB 257**, introduced by Bohlinger, Schrumpf, referred to Judiciary.

**SB 258**, introduced by Bohlinger, referred to Taxation.

**SB 259**, introduced by Tester, Jergeson, McCann, Musgrove, Wolery, referred to Agriculture.

**SB 260**, introduced by Mahlum, Cocchiarella, Doherty, Glaser, Grimes, Kitzenberg, Lawson, Lehman, Masolo, Olson, A. Peterson, Ripley, Ryan, Shea, Smith, Tash, Tester, Toole, referred to Education.

**SB 261**, introduced by Christiaens, E. Clark, Eggers, Ekegren, Forrester, Glaser, Hargrove, Harrington, Jacobson, Jergeson, Mangan, Masolo, McNutt, Nelson, Ripley, Roush, Schmidt, Tash, Tester, Toole, Whitaker, referred to Agriculture.

**SB 263**, introduced by Mahlum, referred to Taxation.

**SB 264**, introduced by Waterman, referred to Taxation.

**SB 265**, introduced by Hargrove, Balyeat, Berry, Bohlinger, DePratu, Ekegren, Franklin, Gillan, Hedges, Jent, Keenan, Laible, Lewis, Mahlum, McNutt, Mohl, O'Neil, Stonington, F. Thomas, Vick, Wanzenried, Wells, Younkin, Zook, referred to Local Government.

**SB 267**, introduced by Ekegren, referred to Judiciary.

**SB 268**, introduced by Hargrove, Berry, Bookout-Reinicke, Elliott, Grosfield, Halligan, Mahlum, Stapleton, Stonington, Tash, Vick, Wanzenried, Wells, Younkin, referred to Business and Labor.

**SB 272**, introduced by Toole, referred to Federal Relations, Energy, and Telecommunications.

**SB 274**, introduced by Keenan, referred to Business and Labor.

**SB 275**, introduced by Hargrove, referred to State Administration.

**SB 280**, introduced by McNutt, referred to Taxation.

**SB 281**, introduced by Mahlum, Adams, Cocchiarella, Jackson, Raser, referred to Taxation.

**SB 282**, introduced by Crismore, Beck, Berry, R. Brown, Carney, Cole, Curtiss, Ekegren, Keenan, McCarthy, McGee, McNutt, Miller, Mood, Sliter, F. Thomas, Younkin, Zook, referred to Judiciary.

**SB 283**, introduced by Waterman, referred to Judiciary.

**SB 285**, introduced by McNutt, P. Clark, referred to Fish, Wildlife and Parks.

**SB 288**, introduced by Christiaens, McCarthy, Waterman referred to Human Services.

**SB 290**, introduced by Franklin, referred to Human Services.

**SB 300**, introduced by Holden, referred to Transportation.

**SB 306**, introduced by Cocchiarella, referred to State Administration.

**SB 310**, introduced by Waterman, Beck, Christiaens, Franklin, Keenan, F. Thomas, Vick, referred to Human Services.

**SB 311**, introduced by Cocchiarella, referred to Human Services.

**SB 317**, introduced by Ellis, referred to Taxation.

**SB 318**, introduced by Ekegren, referred to Transportation.

**SB 320**, introduced by Kitzenberg, referred to Transportation.

**SB 321**, introduced by Mahlum, Bohlinger, R. Brown, Christiaens, Cocchiarella, Doherty, Halligan, Hargrove, Harrington, Kitzenberg, Ryan, Wanzenried, referred to Human Services.

**SB 324**, introduced by Harrington, Cobb, Grimes, Jent, Lehman, McCarthy, Olson, Ripley, Ryan, referred to Human Services.

**SB 328**, introduced by Wells (by request of the Attorney General), referred to Judiciary.

**SB 329**, introduced by Roush, E. Clark, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Franklin, L. Holden, Jergeson, Juneau, Kitzenberg, McNutt, Nelson, Ryan, Schmidt, Shea, Tester, referred to Human Services.

**SB 330**, introduced by Mahlum, Christiaens, Halligan, Juneau, Matthews (by request of the State Auditor), referred to Business and Labor.

**SB 334**, introduced by Grosfield, referred to Judiciary.

**SB 337**, introduced by Berry, referred to Judiciary.

**SB 342**, introduced by Berry, referred to Judiciary.

**SB 346**, introduced by Cobb, referred to Taxation.

**SB 356**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Administration.

**SB 357**, introduced by Ryan (by request of the State Auditor), referred to Business and Labor.

**SB 373**, introduced by Halligan (by request of the State Auditor), referred to Business and Labor.

**SB 380**, introduced by McNutt, Cole, Doherty, Forrester, Halligan, Lindeen, Shea, Tester, F. Thomas, Wanzenried, Witt, referred to Transportation.

**SB 382**, introduced by Grosfield, Esp, referred to Judiciary.

**SB 383**, introduced by Glaser, P. Clark, Cocchiarella, Cyr, Forrester, Gallus, Golie, Halligan, Harrington, Keane, Lindeen, Matthews, McCarthy, Newman, Shea, referred to Business and Labor.

**SB 386**, introduced by Waterman, referred to Judiciary.

**SB 392**, introduced by Cobb (by request of the State Auditor), referred to Business and Labor.

**SB 394**, introduced by Shea, referred to Education.

**SB 419**, introduced by Grimes (by request of the Senate Legislative Administration Standing Committee), referred to Legislative Administration.

**SB 425**, introduced by Glaser, Waterman (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education.

**SB 427**, introduced by Johnson, referred to Local Government.

**SB 429**, introduced by Sprague, Bishop, Bohlinger, Branae, R. Brown, Forrester, Fuchs, Gillan, Glaser, Hargrove, McGee, Miller, referred to Local Government.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 8**, introduced by Christiaens, McCarthy, Waterman, referred to Human Services.

**SJR 9**, introduced by Cocchiarella, Bales, Barrett, Beck, Berry, Bishop, Bixby, Bohlinger, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Christiaens, Clancy, E. Clark, P. Clark, Cobb, Cole, Crismore, Curtiss, Cyr, Davies, Dell, DePratu, Devlin, Doherty, Eggers, Ekegren, Ellingson, Elliott, Ellis, Erickson, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Glaser, Grimes, Grosfield, Gutsche, Haines, Halligan, Hargrove, Harrington, Hedges, Himmelberger, L. Holden, Jackson, Jacobson, Jayne, Jergeson, Juneau, Kasten, Kaufmann, Keane, Kitzenberg, Laslovich, Lee, Lehman, Lindeen, Mahlum, Masolo, Matthews, McCann, McCarthy, McGee, McNutt, Musgrove, Nelson, Newman, Noennig, O'Neil, Olson, Pattison, Pease, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Roush, Ryan, Schmidt, Shea, Shockley, Somerville, Sprague, Stapleton, Story, Tash, Tester, B. Thomas, F. Thomas, Toole, Tramelli, Tropila, Waddill, Waitschies, Walters, Waterman, Whitaker, Wolery, Younkin, Zook, referred to Federal Relations, Energy, and Telecommunications.

**SJR 10**, introduced by Kitzenberg, referred to Education.

**SJR 11**, introduced by Tester, Cole, Doherty, Facey, Forrester, Lindeen, Shea, Taylor, F. Thomas, Wanzenried, Witt, referred to Transportation.

**SJR 14**, introduced by Franklin, Ellingson, Grosfield, Hargrove, Schmidt, Toole, referred to Federal Relations, Energy, and Telecommunications.

**SJR 17**, introduced by Keenan, Christiaens, Franklin, Grimes (by request of the House Joint Appropriations Subcommittee on Health & Human Services), referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

**HB 214** - Representative Shockley moved **HB 214** do pass.

**HB 214** - Representative Facey moved **HB 214**, second reading copy, be amended as follows :

1. Page 1, line 22.

**Following:** "JUDGES."

**Insert:** "(1)"

**Strike:** "judges"

**Insert:** "judge"

2. Page 1, line 23.

**Strike:** "8th and"

**Strike:** "districts"

**Insert:** "district"

3. Page 1, line 26.

**Insert:** "(2) The additional judge for the 8th judicial district must be elected at the general election to be held in November 2003 and shall take office in January 2004."

Amendment **not** adopted as follows:

Ayes: Balyeat, Bixby, Erickson, Facey, Fuchs, Gutsche, Juneau, Mood, Raser, Sliter, Somerville, Vick, Waitschies, Wanzenried.

Total 14

Noes: Adams, Andersen, Bales, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Excused: Bookout-Reinicke, P. Clark, Mangan.

Total 3

Absent or not voting: Jayne.

Total 1

Motion that **HB 214** do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila,

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 86

Noes: Adams, Balyeat, Bixby, R. Brown, Erickson, Esp, Himmelberger, Jayne, Juneau, Pattison, Sliter, Story, Waitschies, Mr. Speaker.  
Total 14

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 189** - Representative Steinbeisser moved **SB 189** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Hurdle.  
Total 1

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 30** - Representative Tramelli moved **SB 30** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Total 97

Noes: Balyeat, Davies, Esp.

Total 3

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 112** - Representative Galvin-Halcro moved **SB 112** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: McCann.

Total 1

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 156** - Representative Keane moved **SB 156** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97



HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Noes: Adams, Balyeat, Davies.  
Total 3

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 554** - Representative Sliter moved **HB 554** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 84

Noes: Adams, Bales, Barrett, E. Clark, Davies, Devlin, Holden, Kasten, Lenhart, Mood, Pattison, Rice, Ripley, Smith, Story, Wanzenried.  
Total 16

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 180** - Representative Lewis moved **SB 180** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 74

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Dell, Erickson, Facey, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Juneau, Kaufmann, Keane, Lee, Lindeen, Newman, Raser, Ripley, Schmidt, Smith, Tropila, Wanzenried.  
Total 26

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 120** - Representative Haines moved **SB 120** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 11** - Representative Raser moved **SB 11** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

Noes: Adams, Balyeat, R. Brown, Clancy, Eggers, Erickson, Esp, Gutsche, Holden, Kasten, Laible, Laszloffy, Lawson, Newman, Pattison, Somerville, Story, Vick, Wanzenried.

Total 19

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 235** - Representative D. Mood moved **SB 235** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Esp, Kasten, Somerville, Steinbeisser, Story, Vick, Waitschies.  
Total 8

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**SB 192** - Representative Jackson moved **SB 192** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Facey, Wanzenried.  
Total 2

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Absent or not voting: Esp, Sliter.  
Total 2

**SB 61** - Representative G. Forrester moved **SB 61** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 172** - Representative Balyeat moved **SB 172** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Lee, Wanzenried.  
Total 2

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

**SB 133** - Representative Cyr moved **SB 133** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Laszloffy.

Total 1

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 44** - Representative Laslovich moved **SB 44** be concurred in. Motion failed as follows:

Ayes: Andersen, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Dale, Devlin, Erickson, Esp, Facey, Forrester, Fuchs, Gallus, Gillan, Golie, Hedges, Holden, Hurdle, Jacobson, Jent, Laslovich, Lawson, Lee, Lehman, Lewis, Mangan, Matthews, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Somerville, Story, Thomas, Tramelli, Tropila, Whitaker, Younkin.

Total 46

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Cyr, Davies, Dell, Eggers, Fisher, Fritz, Gallik, Galvin-Halcro, Gutsche, Haines, Harris, Himmelberger, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lenhart, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Pattison, K. Peterson, Rice, Rome, Sliter, Smith, Steinbeisser, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Mr. Speaker.

Total 54

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted.

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Representative Laslovich made a substitute motion that **SB 44** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

Report adopted as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 76

Noes: Adams, Bales, Barrett, R. Brown, E. Clark, Davies, Fisher, Jayne, Kasten, Kaufmann, Keane, Laszloffy, Masolo, McCann, Pattison, K. Peterson, Rice, Vick, Waitschies, Walters, Wanzenried.  
Total 21

Excused: Bookout-Reinicke, P. Clark, Mangan.  
Total 3

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 54** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

Absent or not voting: None.  
Total 0

**SB 93** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 214** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Smith.  
Total 1

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

HOUSE JOURNAL  
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 1, 2001

**SJR 5** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Laszloffy, Vick.

Total 2

Voted Absentee: Bookout-Reinicke, P. Clark, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Sliter moved that **SB 92** be taken from the Committee on Natural Resources and rereferred to the Committee on Taxation. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Friday, March 2, 2001. Motion carried.

House adjourned at 2:43 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 2, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ken Peterson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Hawthorne Harmonics Children's Choir directed by Ellen Frasier performed for the House. The third through fifth graders from Hawthorne Grade School in Bozeman is a volunteer choir that sings one day a week after school.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/2/2001  
Correctly printed: **HB 277**.  
Correctly engrossed: **HB 214, HB 554, SB 11, SB 30, SB 61, SB 112, SB 120, SB 133, SB 156, SB 172, SB 180, SB 189, SB 192, SB 235**.

**APPROPRIATIONS** (Vick, Chairman): 3/2/2001  
**HB 525**, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/1/2001  
**SB 4**, be amended as follows:

1. Title, page 1, line 6 through line 7.  
**Strike:** "CONSIDERED" on line 6 through "PARTY" on line 7  
**Insert:** "OR FOR NO REASON"
2. Title, page 1, line 7 through line 8.  
**Strike:** "SPECIFYING" on line 7 through "EMPLOYEES:" on line 8
3. Page 1, line 27 through line 28.  
**Strike:** "-- TEMPORARY EMPLOYMENT"
4. Page 2, line 6.  
**Strike:** "considered sufficient by the terminating party"  
**Insert:** "or for no reason"
5. Page 2, line 7.  
**Strike:** "EXCEPT AS PROVIDED IN SUBSECTION (2)(C), IF"  
**Insert:** "If"
6. Page 2, line 8.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

**Following:** the first "PERIOD"

**Insert:** "or provide that there is no probationary period"

**Following:** "HIRE,"

**Insert:** "there is"

**Strike:** "MUST BE THE LONGER OF 12"

**Insert:** "of 6"

7. Page 2, line 9.

**Strike:** "OR 2,080 HOURS WORKED"

8. Page 2, line 10 through line 13.

**Strike:** subsection (C) in its entirety

And, as amended, be concurred in. Report adopted.

**SB 29**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

3/2/2001

**SB 205**, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gutsche in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 533** - Representative Vick moved **HB 533** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 578** - Representative Callahan moved **HB 578** do pass.

**HB 578** - Representative Somerville moved **HB 578**, second reading copy, be amended as follows :

1. Title, page 1, line 5.

**Following:** "ALCOHOL;"

**Insert:** "CHANGING THE FUNDING SOURCE FOR THE ALCOHOL TAX INCENTIVE FROM THE GASOLINE LICENSE TAX TO THE STATE GENERAL FUND; PROVIDING A STATUTORY APPROPRIATION;"

**Strike:** "SECTION"

**Insert:** "SECTIONS 15-70-502,"

**Following:** "15-70-522,"

**Insert:** "AND 17-7-502,"

2. Page 1.

**Following:** line 8

**Insert:** "Section 1. Section 15-70-502, MCA, is amended to read:

**"15-70-502. Purpose.** The purpose of this part is to establish schedules for the tax incentive for the production of alcohol to be blended for gasohol and to provide for the proper administration and enforcement of the tax incentive. The schedules for the tax incentive are designed to stimulate the development of alcohol fuel production in Montana while limiting the cost to the state of the tax incentive to amounts that are reasonable in relation to the highway revenue needs of Montana.""

**Renumber:** subsequent section

3. Page 1, line 18.

**Strike:** "Payment must"

**Insert:** "The payment to"

**Strike:** "out" through "15-70-204"

**Insert:** "is statutorily appropriated, as provided in 17-7-502, from the general fund"

4. Page 2.

**Following:** line 21

**Insert:** "Section 3. Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115;

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 15-70-522; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)""

Amendment **not** adopted as follows:

Ayes: Bitney, Brueggeman, Esp, Forrester, Harris, Jackson, Kasten, Lawson, A. Peterson, Somerville, Waitschies, Walters, Wolery.

Total 13

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 86

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 578** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome,

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 91

Noes: Davies, Esp, Harris, Kasten, Lawson, Shockley, Somerville, Walters, Mr. Speaker.

Total 9

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 32** - Representative Keane moved **SB 32** be concurred in. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Whitaker.

Total 53

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Himmelberger, Jackson, Jayne, Kasten, Laible, Laszloffy, Lewis, McCann, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 47

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 45** - Representative Andersen moved **SB 45** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery,

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Younkin, Mr. Speaker.  
Total 99

Noes: Dell.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 59** - Representative Himmelberger moved **SB 59** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Cyr, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 89

Noes: Adams, P. Clark, Curtiss, Dale, Davies, Erickson, Kasten, K. Peterson, Thomas, Waitschies, Mr. Speaker.  
Total 11

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 75** - Representative Raser moved **SB 75** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 91

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Noes: Davies, Esp, Fisher, Laszloffy, Steinbeisser, Thomas, Vick, Mr. Speaker.  
Total 8

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gutsche moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Buzzas, Laslovich.  
Total 2

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Fisher, Kaufmann, Keane, Sliter.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 214** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Total 81

Noes: Adams, Balyeat, Bixby, R. Brown, Cyr, Dell, Erickson, Esp, Himmelberger, Jayne, Juneau, Kasten, Pattison, Steinbeisser, Story, Waitschies, Mr. Speaker.

Total 17

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Clancy, McKenney.

Total 2

**HB 554** passed as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Curtiss, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Adams, Bales, Barrett, E. Clark, Davies, Devlin, Holden, Kasten, Mood, Pattison, Rice, Ripley, Smith, Story, Wanzenried.

Total 15

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Clancy, Cyr.

Total 2

**SB 11** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 79



HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Noes: Adams, Balyeat, Bixby, R. Brown, Davies, Eggers, Erickson, Esp, Gallik, Gutsche, Kasten, Laible, Laszloffy, Lawson, Newman, Pattison, Somerville, Story, Thomas, Vick.

Total 20

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Clancy.

Total 1

**SB 30** concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Davies, Mood, Pattison.

Total 4

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 61** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Gallus.  
Total 1

**SB 112** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Matthews.  
Total 1

**SB 120** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Waitschies.  
Total 1

**SB 133** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Laszloffy, McCann.  
Total 2

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 156** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Noes: Adams, Balyeat, Davies.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 172** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Lee.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 180, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 68

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lawson, Lee, Lindeen, Musgrove, Newman, Raser, Ripley, Schmidt, Smith, Wanzenried.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Total 32

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 189** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Hurdle.

Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Sliter, Wanzenried.

Total 2

**SB 192** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Callahan, Erickson, Facey, Fritz, Raser, Wanzenried.

Total 6

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 235** concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumph, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Esp, Kasten, Laible, Steinbeisser, Story, Vick, Waitschies.

Total 8

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: E. Clark, Gillan.

Total 2

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Noennig, Chairman):

3/2/2001

**SB 41**, be concurred in. Report adopted.

**SB 149**, be concurred in. Report adopted.

**MOTIONS**

Representative Jayne requested on **HB 214**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Buzzas requested on **SB 11**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Balyeat requested on **HB 214** and **SB 30**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

HOUSE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 2, 2001

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, March 3, 2001. Motion carried.

House adjourned at 2:26 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 3, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Shockley. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bookout-Reinicke and Forrester, excused. Quorum present.

Mr. Speaker introduced the honorary pages for the week:

Alyssa Fairclough, Helena  
Jenniffer Steinbeisser, Sidney

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/3/2001  
Correctly printed: **HB 525, SB 4, SB 29, SB 41, SB 149, SB 205.**  
Correctly engrossed: **HB 533, HB 578, SB 32, SB 45, SB 59, SB 75.**

**BUSINESS AND LABOR** (McKenney, Chairman): 3/2/2001  
**SB 122**, be concurred in. Report adopted.  
**SB 142**, be concurred in. Report adopted.  
**SB 279**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/2/2001

**HB 20**, introduced by Shockley  
**HB 80**, introduced by Smith  
**HB 97**, introduced by Lewis  
**HB 113**, introduced by Devlin  
**HB 145**, introduced by Dale  
**HB 185**, introduced by Gallus  
**HB 191**, introduced by Gallus  
**HB 192**, introduced by Mood

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/2/2001

**HB 18**, introduced by Somerville  
**HB 111**, introduced by Lawson



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**MESSAGES FROM THE GOVERNOR**

March 2, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 23** sponsored by Representative Erickson and **House Bill 155** sponsored by Representative Noennig on March 2, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 623**, introduced by Mangan, Fritz, Golie, Lenhart, Matthews, Schmidt, referred to Taxation.  
**HB 624**, introduced by Masolo, Grimes, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 19**, introduced by Halligan, referred to Federal Relations, Energy, and Telecommunications.  
**SB 46**, introduced by Bishop (by request of the Department of Revenue), referred to Judiciary.  
**SB 48**, introduced by Sprague (by request of the Department of Revenue), referred to Business and Labor.  
**SB 73**, introduced by Glaser (by request of the Revenue and Taxation Interim Committee), referred to Taxation.  
**SB 96**, introduced by Mahlum (by request of the Business and Labor Interim Committee), referred to Business and Labor.  
**SB 117**, introduced by Tester, referred to Education.  
**SB 131**, introduced by Taylor (by request of the Legislative Finance Committee), referred to State Administration.  
**SB 138**, introduced by Nelson (by request of the Local Government Funding and Structure Committee), referred to Local Government.  
**SB 151**, introduced by Mahlum (by request of the Business and Labor Interim Committee), referred to Business and Labor.  
**SB 163**, introduced by Grosfield (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**SB 181**, introduced by Cobb, referred to Local Government.  
**SB 196**, introduced by Tester, R. Holden, Jergeson, Nelson, Waddill, referred to Agriculture.  
**SB 207**, introduced by Keenan, Waterman, referred to Human Services.  
**SB 218**, introduced by Ryan, Galvin-Halcro, referred to Education.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**SB 221**, introduced by Johnson, referred to Business and Labor.

**SB 226**, introduced by Wells, referred to Local Government.

**SB 231**, introduced by Grimes, Beck, Cole, Doherty, Ekegren, Facey, Glaser, Kitzenberg, Lawson, Mahlum, McNutt, Nelson, Olson, Ryan, Shea, Stonington, F. Thomas, referred to Education.

**SB 243**, introduced by Johnson, referred to Federal Relations, Energy, and Telecommunications.

**SB 277**, introduced by Shea, referred to Business and Labor.

**SB 286**, introduced by Stonington, referred to Fish, Wildlife and Parks.

**SB 292**, introduced by Sprague, referred to Business and Labor.

**SB 293**, introduced by Doherty, Gallus, Lindeen, Toole (by request of the Attorney General), referred to Transportation.

**SB 298**, introduced by Glaser, Forrester, referred to Business and Labor.

**SB 303**, introduced by Hargrove, referred to Taxation.

**SB 304**, introduced by Nelson, Hedges, referred to Fish, Wildlife and Parks.

**SB 305**, introduced by Cocchiarella, referred to Business and Labor.

**SB 309**, introduced by Halligan, Franklin, B. Thomas, referred to Human Services.

**SB 313**, introduced by F. Thomas, Beck, Berry, Elliott, Grosfield, Lawson, Lehman, Mangan, Masolo, Mood, Olson, Ripley, Ryan, Shea, Sliter, Tester, Wolery, referred to Federal Relations, Energy, and Telecommunications.

**SB 314**, introduced by Doherty, referred to Business and Labor.

**SB 319**, introduced by Cole, Beck, Crismore, Curtiss, Ekegren, Ellis, Forrester, Fuchs, Grosfield, Hargrove, Hedges, L. Holden, Kasten, Kitzenberg, Lenhart, Lewis, Masolo, Matthews, McNutt, Miller, Mohl, Olson, Sliter, Sprague, Steinbeisser, Story, Tash, Taylor, B. Thomas, Wells, Zook, referred to Federal Relations, Energy, and Telecommunications.

**SB 323**, introduced by McNutt, Beck, Bitney, R. Brown, DePratu, Ekegren, Ellis, Forrester, Mahlum, Mood, Sliter, Somerville, Sprague, F. Thomas, referred to Business and Labor.

**SB 325**, introduced by Mahlum, Bales, Barrett, Berry, Bohlinger, Butcher, Buzzas, Christiaens, E. Clark, Cocchiarella, Cole, Crismore, Dale, Dell, DePratu, Doherty, Ekegren, Ellis, Esp, Facey, Forrester, Franklin, Gallus, Galvin-Halcro, Gillan, Golie, Grosfield, Halligan, Harrington, Jent, Jergeson, Kaufmann, Keane, Kitzenberg, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, McNutt, Nelson, Olson, Pattison, Price, Raser, Ripley, Rome, Roush, Ryan, Schmidt, Schruppf, Shea, Sliter, Somerville, Story, Tash, Tester, F. Thomas, Walters, Wanzenried, referred to Taxation.

**SB 326**, introduced by Taylor, Beck, Berry, Bookout-Reinicke, Brueggeman, Butcher, Cole, Devlin, Esp, R. Holden, Kitzenberg, Lawson, Lewis, Mahlum, McNutt, Mood, Olson, Rome, Roush, Somerville, Steinbeisser, Tester, F. Thomas, referred to Appropriations.

**SB 327**, introduced by Doherty, Lindeen, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.

**SB 333**, introduced by Beck, Rome, referred to Local Government.

**SB 340**, introduced by Berry, referred to Business and Labor.

**SB 344**, introduced by Cobb, referred to Education.

**SB 348**, introduced by Elliott, P. Clark, DePratu, Mahlum, referred to Transportation.

**SB 354**, introduced by Crismore, Beck, Berry, Cole, Grimes, Keenan, Mahlum, Miller, Mood, Sliter, F. Thomas, referred to Natural Resources.

**SB 355**, introduced by Crismore, referred to Transportation.

**SB 358**, introduced by DePratu, Tramelli, Wanzenried, referred to Transportation.

**SB 359**, introduced by Halligan, referred to Local Government.

**SB 360**, introduced by Waterman, referred to Federal Relations, Energy, and Telecommunications.

**SB 361**, introduced by McNutt, Grosfield, F. Thomas, referred to Human Services.

**SB 362**, introduced by Tester, referred to State Administration.

**SB 368**, introduced by Shea, Bitney, Halligan, McNutt, referred to Local Government.

**SB 369**, introduced by Glaser, Jacobson, Taylor, Toole, referred to Business and Labor.

**SB 370**, introduced by Halligan, Beck, Berry, Cocchiarella, Doherty, McCarthy, McNutt, Newman, Shea, Shockley,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Sliter, F. Thomas, Younkin, referred to State Administration.

**SB 375**, introduced by Grimes, referred to Natural Resources.

**SB 376**, introduced by DePratu, Beck, Bitney, Crismore, Dale, Ellis, Grimes, Grosfield, Haines, R. Holden, Laible, McNutt, Mohl, Mood, Sliter, Somerville, Sprague, Tash, F. Thomas, referred to Natural Resources.

**SB 377**, introduced by Grimes, Bales, Beck, Berry, Bitney, D. Brown, Cole, Crismore, Curtiss, Dale, Ellis, Grosfield, Haines, Hargrove, R. Holden, Kasten, Laible, Matthews, McGee, McNutt, Mood, Sliter, Tash, F. Thomas, Younkin, referred to Natural Resources.

**SB 378**, introduced by Tash, referred to Natural Resources.

**SB 379**, introduced by Tash, referred to Natural Resources.

**SB 381**, introduced by Cobb, referred to State Administration.

**SB 384**, introduced by Ryan, referred to Judiciary.

**SB 387**, introduced by Ellingson, referred to Federal Relations, Energy, and Telecommunications.

**SB 389**, introduced by Cobb, referred to Agriculture.

**SB 390**, introduced by Cobb (by request of the Office of Public Instruction), referred to Education.

**SB 393**, introduced by F. Thomas, Beck, Berry, Cocchiarella, DePratu, Doherty, Grosfield, Hargrove, Harrington, Jergeson, Juneau, Keane, Kitzenberg, Lenhart, McGee, McNutt, Sliter, Tester, Witt, referred to Transportation.

**SB 396**, introduced by Grosfield, Beck, Berry, Grimes, Hargrove, Hedges, Mangan, Masolo, McCann, McGee, McNutt, Mood, Olson, Roush, Shea, Sliter, Tester, F. Thomas, referred to State Administration.

**SB 397**, introduced by Grosfield, Beck, Berry, Grimes, Hargrove, Hedges, Mangan, Masolo, McCann, McGee, McNutt, Mood, Olson, Roush, Shea, Sliter, Tester, F. Thomas, referred to State Administration.

**SB 400**, introduced by Jergeson, referred to Taxation.

**SB 402**, introduced by Shea, Cyr, Harrington, referred to Local Government.

**SB 404**, introduced by Franklin, referred to Education.

**SB 405**, introduced by Jergeson, Brueggeman, Lindeen, Zook (by request of the Senate Finance Standing Committee), referred to Federal Relations, Energy, and Telecommunications.

**SB 407**, introduced by Berry, referred to Local Government.

**SB 408**, introduced by McCarthy, Beck, P. Clark, Cole, Crismore, Curtiss, Doherty, Ellis, Forrester, Gallus, Gillan, Grimes, Grosfield, Halligan, Keane, Lindeen, McNutt, Mood, Shea, F. Thomas, Younkin, referred to Natural Resources.

**SB 420**, introduced by Waterman, referred to Human Services.

**SB 421**, introduced by F. Thomas, Beck, DePratu, Doherty, Ekegren, Gallus, Gillan, Golie, Harrington, Keenan, Lawson, Lewis, Mahlum, Matthews, McNutt, Musgrove, Roush, Sliter, Sprague, Steinbeisser, Tester, referred to Business and Labor.

**SB 423**, introduced by Ellis, referred to Education.

**SB 424**, introduced by Glaser, referred to Federal Relations, Energy, and Telecommunications.

**SB 426**, introduced by Halligan, referred to Judiciary.

**SB 428**, introduced by Harrington, Bohlinger, Buzzas, Carney, Christiaens, Clancy, Cocchiarella, Cyr, Doherty, Ellingson, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Golie, Jacobson, Jent, Jergeson, Juneau, Kaufmann, Keane, Kitzenberg, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCarthy, Musgrove, Nelson, Newman, Pease, Raser, Roush, Schmidt, Shea, Stonington, Tester, Wanzenried, referred to Business and Labor.

**SB 430**, introduced by Ellis, Glaser, Keenan, Shea, Waterman, referred to Education.

**SB 431**, introduced by Stonington, Bishop, P. Clark, referred to Fish, Wildlife and Parks.

**SB 432**, introduced by Taylor, DePratu, Mahlum, Shockley, F. Thomas, referred to Business and Labor.

**SB 433**, introduced by Elliott, Bohlinger, Christiaens, Grimes, Hargrove, Mahlum, Stonington (by request of the Senate Local Government Standing Committee), referred to State Administration.

**SB 436**, introduced by Ellis, Branae, Grimes, Musgrove, Olson, Ryan, Wolery, referred to Education.

**SB 437**, introduced by Cole, Adams, Andersen, Bales, Berry, Brueggeman, Butcher, E. Clark, Crismore, Hedges, Kitzenberg, Masolo, McCarthy, Pattison, Ripley, Steinbeisser, F. Thomas, referred to Fish, Wildlife and Parks.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**SB 438**, introduced by Christiaens, Gillan, Halligan, R. Holden, referred to Business and Labor.

**SB 440**, introduced by Christiaens, Haines, referred to Human Services.

**SB 441**, introduced by Christiaens (by request of the State Auditor), referred to Business and Labor.

**SB 442**, introduced by Cobb, referred to Human Services.

**SB 443**, introduced by Butcher, Bishop, Bohlinger, DePratu, Ekegren, Ellingson, Glaser, Hargrove, Keenan, F. Thomas, Toole, Wells, referred to State Administration.

**SB 445**, introduced by Taylor (by request of the Governor), referred to Business and Labor.

**SB 446**, introduced by DePratu, Brueggeman, Curtiss, Davies, Ekegren, Ellis, Fisher, Grimes, Hedges, Jackson, Kasten, Keenan, Kitzenberg, Laible, Lawson, Mohl, Shockley, Sliter, Somerville, Story, Tash, F. Thomas, Waitschies, Walters, referred to Federal Relations, Energy, and Telecommunications.

**SB 448**, introduced by Christiaens, Bishop, Bohlinger, Cobb, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harrington, Juneau, Shea, Wanzenried, referred to Transportation.

**SB 449**, introduced by Tester, referred to Natural Resources.

**SB 450**, introduced by Grimes, referred to Business and Labor.

**SB 451**, introduced by Johnson, referred to Transportation.

**SB 454**, introduced by Waterman, referred to Human Services.

**SB 455**, introduced by Doherty, Juneau, referred to Natural Resources.

**SB 457**, introduced by Ryan, Tropila, referred to Education.

**SB 459**, introduced by Franklin, referred to Human Services.

**SB 461**, introduced by Franklin, referred to Human Services.

**SB 465**, introduced by Franklin (by request of the State Auditor), referred to Business and Labor.

**SB 467**, introduced by Grimes, Younkin, referred to Judiciary.

**SB 469**, introduced by DePratu, referred to Business and Labor.

**SB 470**, introduced by O'Neil, referred to Natural Resources.

**SB 472**, introduced by Grosfield, Hargrove, Mangan, referred to State Administration.

**SB 473**, introduced by Waterman, referred to Human Services.

**SB 474**, introduced by Grimes, referred to Business and Labor.

**SB 476**, introduced by Keenan, Bishop, Christiaens, E. Clark, Glaser, Grimes, Lawson, Nelson, Schrumpf, B. Thomas, referred to Human Services.

**SB 477**, introduced by Jergeson, Bishop, Christiaens, E. Clark, Glaser, Grimes, Lawson, Nelson, Schrumpf, B. Thomas, Waterman, referred to Human Services.

**SB 479**, introduced by Hargrove, referred to Natural Resources.

**SB 480**, introduced by Berry, referred to Business and Labor.

**SB 482**, introduced by Ekegren, Whitaker, referred to Business and Labor.

**SB 484**, introduced by Beck, referred to Natural Resources.

**SB 487**, introduced by Halligan, referred to Judiciary.

**SB 489**, introduced by Grosfield, referred to Judiciary.

**SB 491**, introduced by Taylor (by request of the Senate Energy and Telecommunications Standing Committee), referred to Federal Relations, Energy, and Telecommunications.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 3**, introduced by McCarthy, P. Clark, Crismore, Gillan, Tester, Younkin (by request of the Environmental Quality Council), referred to Natural Resources.

**SJR 12**, introduced by Beck, B. Thomas, referred to State Administration.

**SJR 13**, introduced by Crismore, referred to Natural Resources.

**SJR 16**, introduced by R. Holden (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Federal Relations, Energy, and Telecommunications.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**SJR 18**, introduced by Taylor, Adams, Andersen, Bales, Balyeat, Barrett, BerryBohlinger, Dee Brown, R. Brown, Brueggeman, Butcher, Clancy, E. Clark, Cole, Crismore, Curtiss, Dale, Davies, DePratu, Devlin, Ekegren, Ellis, Fisher, Fuchs, Glaser, Grimes, Grosfield, Haines, Hedges, Himmelberger, Jackson, Kasten, Keenan, Laible, Laszloffy, Lehman, Lewis, Mahlum, Masolo, McGee, McNutt, Miller, Mohl, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Sprague, Steinbeisser, Story, Tash, B. Thomas, F. Thomas, Vick, Waddill, Waitschies, Walters, Wells, Witt, Wolery, Younkin, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 106** - Representative Steinbeisser moved **SB 106** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lindeen, McCann, Musgrove, Newman, K. Peterson, Raser, Schmidt, Tramelli, Tropila, Wanzenried, Wolery.

Total 36

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**SB 148** - Representative Price moved **SB 148** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**SB 157** - Representative Whitaker moved **SB 157** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Bixby, Branae, Buzzas, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jacobson, Juneau, Lenhart, Raser, Tramelli, Wanzenried.

Total 20

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**SB 37** - Representative Olson moved **SB 37** be concurred in.

Representative Lewis expressed a conflict of interest and abstained from voting.

Motion that **SB 37**, be concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Branae, P. Clark, Dell, Fritz, Harris, Hurdle, Lawson, Mangan.

Total 8

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**HB 29 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 29** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Bookout-Reinicke, Forrester.

Total 2

Voted Absentee: Bookout-Reinicke, Forrester, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 19 - Senate Amendments** - Representative Lenhart moved Senate amendments to **HB 19** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**HB 132 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 132** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: McCann, Sliter, Smith.

Total 3

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 40 - Senate Amendments** - Representative Witt moved Senate amendments to **HB 40** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich,



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Facey, Laible, Story.

Total 3

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Golie, Sliter, Witt.

Total 3

Representative McKenney assumed the chair.

**HB 277** - Representative Masolo moved **HB 277** do pass.

**HB 277** - Representative Lewis moved **HB 277**, second reading copy, be amended as follows :

1. Title, line 16.

**Following:** " ; "

**Insert:** "USING THE COAL FUNDS TO INCREASE THE TOTAL PER-ANB AND BASIC ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2001; INCREASING THE BASIC ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$19,374; INCREASING THE BASIC ENTITLEMENT FOR A HIGH SCHOOL DISTRICT TO \$215,270; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,932; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR A HIGH SCHOOL DISTRICT OR A K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$5,241; PROVIDING FOR INCREASES IN BASIC ENTITLEMENTS AND PER-ANB ENTITLEMENTS BASED UPON INCREASED GROWTH IN MONTANA WAGE AND SALARY INCOME; AMENDING SECTION 20-9-306, MCA;"

2. Title, line 18.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

3. Page 13, line 21.

**Insert:** "**Section 1.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ subject to [section 2], \$215,270 for each high school district;

(b) ~~\$18,540~~ subject to [section 2], \$19,374 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ subject to [section 2], \$19,374 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ subject to [section 2], \$215,270 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, subject to [section 2], a maximum rate of ~~\$5,015~~ \$5,241 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, subject to [section 2], a maximum rate of ~~\$3,763~~ \$3,932 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) subject to [section 2], a maximum rate of ~~\$3,763~~ \$3,932 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) subject to [section 2], a maximum rate of ~~\$5,015~~ \$5,241 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.""

**"NEW SECTION. Section 2. Adjustment of entitlement amounts.** (1) For school fiscal years beginning on or after July 1, 2003, the basic entitlement for each high school district, the basic entitlement for each elementary school district or K-12 district elementary program, the total per-ANB entitlement for an elementary school district or a K-12 district elementary program, and the total per-ANB entitlement for a high school district or a K-12 district

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

high school program must be adjusted annually as provided in subsection (2).

(2) (a) The department of revenue shall adjust the entitlements referred to in subsection (1) and contained in 20-9-306 to reflect any increase in inflation-adjusted Montana wage and salary income in the last full year for which data is available.

(b) The department shall calculate the percentage growth in subsection (2)(a) by using the formula  $(W/CPI) - 1$ , where:

(i) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

(ii) CPI is the consumer price index for the most current available year used in subsection (2)(b)(i) divided by the consumer price index for the year prior to the most current available year as used in subsection (2)(b)(i).

(c) For purposes of determining the percentage growth in subsection (2)(a), the department shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(3) The department of revenue shall certify the adjusted amounts referred to in subsection (1) to the office of public instruction, the office of budget and program planning, and the legislative fiscal analyst at a time that allows the amounts to be included in the executive budget submitted to the legislature.

**Renumber:** subsequent sections

4. Page 14, line 4.

**Insert:** "NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 2]."

**Renumber:** subsequent sections

5. Page 14, line 6.

**Strike:** "1"

**Insert:** "3"

6. Page 14, line 11.

**Following:** "date"

**Insert:** "-- applicability"

**Following:** "2001"

**Insert:** ", and applies to school budgets for school fiscal years beginning on or after July 1, 2001"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Total 40

Voted Absentee: Bookout-Reinicke, Aye.

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 277** - Representative Younkin moved **HB 277**, second reading copy, be further amended as follows :

1. Title, line 16.

**Following:** " ; "

**Insert:** "APPROPRIATING \$10 MILLION EACH FISCAL YEAR FROM THE COAL SEVERANCE TAX PERMANENT FUND TO THE UNIVERSITY SYSTEM TO BE USED TO OFFSET PROPOSED TUITION INCREASES FOR RESIDENT STUDENTS;"

2. Page 13, line 22.

**Following:** "transfer"

**Insert:** "-- appropriation"

3. Page 13, line 26.

**Following:** "(2)"

**Insert:** "(1)"

4. Page 13, line 28.

**Insert:** "(2) There is appropriated \$10 million for each fiscal year of the biennium from the coal severance tax permanent trust to the office of the commissioner of higher education. The commissioner shall allocate the appropriation among the units of the university system based upon the percentage of resident students attending each unit compared to the total of resident students in the university system. The appropriation must be used to offset proposed tuition increases for resident students."

5. Page 14, line 6.

**Following:** "TRANSFERS"

**Insert:** "and appropriates"

Amendment **not** adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Jackson, Kasten, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 49

Noes: Adams, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, Mangan,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Matthews, McCann, Musgrove, Newman, Raser, Smith, Story, Tramelli, Tropila, Walters, Wanzenried.  
Total 50

Voted Absentee: Bookout-Reinicke, Sliter, Ayes; Forrester, No.

Excused: None.  
Total 0

Absent or not voting: Schmidt.  
Total 1

**HB 277** - Representative Mangan moved **HB 277**, second reading copy, be further amended as follows :

1. Title, page 1, line 16.

**Following:** " ; "

**Insert:** "PROVIDING FOR A FUND TRANSFER FROM THE GENERAL FUND TO REIMBURSE THE COAL SEVERANCE TAX PERMANENT TRUST; "

2. Page 13, line 22.

**Strike:** "transfer"

**Insert:** "transfers"

**Following:** " . "

**Insert:** "(1)"

3. Page 13, line 28.

**Following:** line 27

**Insert:** "(2) There is transferred \$20 million for each fiscal year of the biennium from the general fund to the coal severance tax permanent trust."

Amendment **not** adopted as follows:

Ayes: Branae, Buzzas, Callahan, Carney, Cyr, Dell, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Harris, Jacobson, Jayne, Jent, Lenhart, Mangan, Matthews, Schmidt, Smith, Tramelli.  
Total 22

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Voted Absentee: Forrester, Aye; Bookout-Reinicke, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Absent or not voting: None.  
Total 0

**HB 277** - Representative Gillan moved **HB 277**, second reading copy, be further amended as follows :

1. Page 1.

**Strike:** "House committee of the Whole amendment #490720CW.HDC (Representative Lewis) and House Committee of the Whole Amendment #490810CW.HDC (Representative Younkin)"

2. Title, page 1, line 14.

**Following:** "YEAR;"

**Strike:** remainder of line 14

**Insert:** "CREATING AN EDUCATION TRUST FUND WITHIN"

3. Title, page 1, line 15.

**Following:** "TRUST"

**Strike:** "TO THE GENERAL FUND TO"

**Insert:** "; ALLOCATING \$100 MILLION TO THE EDUCATION TRUST FUND; PROVIDING THAT 90 PERCENT OF THE INTEREST AND EARNINGS ON THE EDUCATION TRUST FUND MUST"

4. Title, page 1, line 16.

**Following:** "EDUCATION"

**Insert:** "AND THE OTHER 10 PERCENT OF THE INTEREST AND EARNINGS MUST BE DEPOSITED IN THE EDUCATION TRUST FUND; USING THE COAL FUNDS TO INCREASE THE TOTAL PER-ANB AND BASIC ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2001; INCREASING THE BASIC ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$18,818 FOR SCHOOL FISCAL YEAR 2002 AND TO \$19,383 FOR SUCCEEDING SCHOOL FISCAL YEARS; INCREASING THE BASIC ENTITLEMENT FOR A HIGH SCHOOL DISTRICT TO \$209,090 FOR SCHOOL FISCAL YEAR 2002 AND TO \$215,363 FOR SUCCEEDING SCHOOL FISCAL YEARS; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,819 FOR SCHOOL FISCAL YEAR 2002 AND TO \$3,934 FOR SUCCEEDING SCHOOL FISCAL YEARS; INCREASING THE TOTAL PER-ANB HIGH SCHOOL DISTRICT OR A K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$5,090 FOR SCHOOL FISCAL YEAR 2002 AND TO \$5,243 FOR SUCCEEDING SCHOOL FISCAL YEARS"

5. Title, page 1, line 17.

**Following:** "MCA;"

**Insert:** "AMENDING SECTIONS 17-5-703, 17-6-308, AND 20-9-306, MCA;"

6. Title, page 1, lines 17 and 18.

**Strike:** "AN" on line 17

**Strike:** "DATE" on line 18

**Insert:** "DATES, APPLICABILITY DATES, AND A TERMINATION DATE"

7. Page 13, line 22 through line 27.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

8. Page 14, line 4.

**Insert: "Section 1.** Section 17-5-703, MCA, is amended to read:

**"17-5-703. (Temporary) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a treasure state endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund; ~~and~~

(f) an education trust fund; and

~~(f)(g)~~ (g) a coal severance tax school bond contingency loan fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) through (5).

(3) (a) ~~On January 21, 1992, and continuing as~~ As long as any school district bonds secured by state loans under 20-9-466 are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under 20-9-466 during the next following 12 months.

(4) (a) ~~Beginning July 1, 1993, and ending~~ Until June 30, 2013, the state treasurer shall quarterly transfer to the treasure state endowment fund 75% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsection (3).

(b) ~~Beginning July 1, 1999, and ending~~ Until June 30, 2013, the state treasurer shall quarterly transfer to the treasure state endowment regional water system fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsection (3).

(c) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(d) The state treasurer shall monthly transfer from the treasure state endowment regional water system fund to the treasure state endowment regional water system special revenue account the amount of earnings required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the treasure state endowment regional water system special revenue account must be retained in the treasure state endowment regional water system fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, 2013--sec. 6, Ch. 495, L. 1999.)

**17-5-703. (Effective July 1, 2013) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

tax must be deposited;

- (b) a treasure state endowment fund;
- (c) a coal severance tax permanent fund;
- (d) a coal severance tax income fund; ~~and~~
- (e) an education trust fund; and
- ~~(e)(f)~~ a coal severance tax school bond contingency loan fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) through (5).

(3) (a) ~~On January 21, 1992, and continuing as~~ As long as any school district bonds secured by state loans under 20-9-466 are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under 20-9-466 during the next following 12 months.

(4) ~~(a) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsection (3);~~

~~\_\_\_\_\_ (b) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.~~

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund."

**Insert: "Section 2.** Section 17-6-308, MCA, is amended to read:

**"17-6-308. Authorized investments.** (1) Except as provided in subsections (2) through (4) and subject to the provisions of 17-6-201, the Montana permanent coal tax trust fund must be invested as authorized by rules adopted by the board.

(2) The board may make loans from the permanent coal tax trust fund to the capital reserve account created pursuant to 17-5-1515 to establish balances or restore deficiencies in the account. The board may agree in connection with the issuance of bonds or notes secured by the account or fund to make the loans. Loans must be on terms and conditions determined by the board and must be repaid from revenue realized from the exercise of the board's powers under 17-5-1501 through 17-5-1518 and 17-5-1521 through 17-5-1529, subject to the prior pledge of the revenue to the bonds and notes.

(3) The board shall manage the seed capital and research and development loan portfolios created by the former Montana board of science and technology development. The board shall establish an appropriate repayment schedule for all outstanding research and development loans made to the university system. The board is the successor in interest to all agreements, contracts, loans, notes, or other instruments entered into by the Montana board of science and technology development as part of the seed capital and research and development loan portfolios, except agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. The board shall administer the agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. Until the department makes a loan pursuant to the provisions of part 5 of this chapter, the \$915,000 in funds under its administration must be invested by the board pursuant to the provisions of 17-6-201. As loans made pursuant to part



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

5 of this chapter are repaid, the board shall deposit the proceeds or loans made from the coal severance tax trust fund in the coal severance tax permanent fund until all investments are paid back with 7% interest. On July 1, 2001, the board shall transfer \$100 million from the coal severance tax permanent fund to the education trust fund. The board shall deposit 10% of the interest and earnings on the education trust fund in the fund and shall deposit the remaining 90% of the earnings in the state general fund to be used for funding the basic and total per-ANB entitlements as provided in Title 20, chapter 9, part 3.

(4) The board shall allow the Montana health facility authority to administer \$15 million of the permanent coal tax trust fund for capital projects. Until the authority makes a loan pursuant to the provisions of Title 90, chapter 7, the funds under its administration must be invested by the board pursuant to the provisions of 17-6-201. As loans for capital projects made pursuant to this subsection are repaid, the principal and interest payments on the loans must be deposited in the coal severance tax permanent fund until all principal and interest have been repaid. The board and the authority shall calculate the amount of the interest charge. Individual loan amounts may not exceed 10% of the amount administered under this subsection.

(5) The board shall adopt rules to allow a nonprofit corporation to apply for economic assistance. The rules must recognize that different criteria may be needed for nonprofit corporations than for for-profit corporations.

(6) All repayments of proceeds pursuant to subsection (3) of investments made from the coal severance tax trust fund must be deposited in the coal severance tax permanent fund.""

**Insert: "Section 3.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
  - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
  - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
  - (a) ~~\$206,000~~ \$209,090 for each high school district;
  - (b) ~~\$18,540~~ \$18,818 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
  - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
    - (i) ~~\$18,540~~ \$18,818 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
    - (ii) ~~\$206,000~~ \$209,090 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,090 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,819 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,819 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,090 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

**Insert: "Section 4.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$215,363 for each high school district;

(b) ~~\$18,540~~ \$19,383 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$19,383 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$215,363 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,243 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,934 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,934 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,243 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.""

**Renumber:** subsequent section

9. Page 14, line 6.

**Strike:** "[SECTION 1]"

**Insert:** "[Section 2]"

10. Page 14, line 7.

**Following:** "fund"

**Insert:** "and because [section 1] creates a subfund in the coal severance tax trust fund"

11. Page 14, line 8.

**Following:** "State,"

**Insert:** ", as interpreted by the Montana supreme court in Montanans for the Coal Trust v. State,"

12. Page 14, line 11.

**Strike:** "date"

**Insert:** "dates -- applicability"

**Following:** "."

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

**Following:** "2001"

**Insert:** ", and applies to school budgets for the school fiscal year beginning July 1, 2001"

13. Page 14.

**Following:** line 11

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**Insert:** "(2) [Section 4] is effective July 1, 2002, and applies to school budgets for school fiscal years beginning on or after July 1, 2002.

**Insert:** "NEW SECTION. Section 7. Termination. [Section 3] terminates June 30, 2002."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Price, Raser, Ripley, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 47

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 53

Voted Absentee: Forrester, Aye; Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Himmelberger moved for cloture. Motion requiring a two-thirds vote, failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried, Wolery.

Total 38

Excused: Bookout-Reinicke, Forrester, Jayne.

Total 3

Absent or not voting: None.

Total 0

Representative Jayne excused at this time.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Motion that **HB 277**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Walters, Wanzenried.

Total 43

Voted Absentee: Bookout-Reinicke, Aye; Forrester, Jayne, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 44** - Representative Laslovich moved **SB 44** be concurred in. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Dale, Dell, Devlin, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Younkin.

Total 54

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Davies, Eggers, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, Mood, Pattison, A. Peterson, K. Peterson, Rice, Schrumpf, Sliter, Smith, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 46

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Representative Sliter made a substitute motion that **HB 277** be segregated from the Committee of the Whole report and the remainder of the report be adopted.

Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Musgrove, Newman, Noennig, Raser, Smith, Tramelli, Waddill, Walters, Wanzenried.

Total 38

Excused: Bookout-Reinicke, Forrester, Jayne.

Total 3

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 533** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Musgrove.

Total 1

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Absent or not voting: None.  
Total 0

**HB 578** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 93

Noes: Harris, Kasten, Lawson, Shockley, Somerville, Walters, Mr. Speaker.  
Total 7

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 32** concurred in as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.  
Total 53

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Eggers, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.  
Total 47

Voted Absentee: Forrester, Aye; Bookout-Reinicke, Jayne, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**SB 45** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Dell, Schrumpf.

Total 2

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 59** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Adams, Clancy, Curtiss, Dale, Davies, Erickson, Kasten, Kaufmann, McCann, Pattison, K. Peterson, Thomas, Vick, Waitschies, Mr. Speaker.

Total 15

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: D. Brown.

Total 1

**SB 75** concurred in as follows:



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 94

Noes: Davies, Esp, Fisher, Laszloffy, Vick, Mr. Speaker.

Total 6

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**TRANSPORTATION** (Somerville, Chairman):

3/3/2001

**HB 544**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Following:** "4,"

**Insert:** "and subject to subsection (4),"

2. Page 2.

**Following:** line 6

**Insert:** "(4)(a) The department may not contract with a designated agent as provided in subsection (3) unless at least two responsible and responsive bidders submit bids in response to the department's request for proposals or invitation for bids.

(b) The department may not use the sole source procurement method provided for in 18-4-306 for the purposes of this program."

**Renumber:** subsequent subsections

3. Page 2, line 20.

**Following:** "registrations"

**Insert:** ", excluding registrations provided for in 61-3-529, 61-3-711 through 61-3-733, and 61-3-736 through 61-3-738,"

4. Page 2, line 29.

**Following:** "insurer"

**Insert:** ", excluding any policy issued for a commercial motor vehicle registered or proportionately registered in Montana or in any other jurisdiction,"

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**Following:** "and"

**Insert:** "that"

5. Page 3, line 26.

**Following:** "for"

**Strike:** "3"

**Insert:** "2"

6. Page 5.

**Following:** line 5

**Insert:** "(3) A certificate or electronic report from the designated agent documenting or verifying the insurance status of a specific individual or motor vehicle supersedes an insurance card issued at least 15 days before the report."

**Renumber:** subsequent subsection

7. Page 15, line 2.

**Following:** "3(3)"

**Insert:** ", 3(4),"

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Sliter moved that **HB 607** be taken from the Committee on Appropriations and rereferred to the Committee on State Administration. Motion carried.

Representative Facey moved that **HB 277** be rereferred to the Committee on Education.

Representative Sliter made a substitute motion that **HB 277** be rereferred to the Committee on Taxation. Motion carried.

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 29**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chairman

Representative Harris

Representative K. Peterson

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, March 5, 2001. Motion carried.

House adjourned at 12:15 p.m.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTIETH LEGISLATIVE DAY**

Helena, Montana  
March 5, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Newman and "Amazing Grace" was sung by his daughter Caitlin. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Beck and yielded the Chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Congressman, the Honorable Dennis Rehberg. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee of four to notify the Honorable U.S. Congressman Rehberg that the House was in joint session and ready to receive his address. Motion carried.

President Beck appointed Senators Cole and Waterman and Representatives Forrester and A. Peterson and discharged them to escort the Honorable U.S. Congressman into the House Chamber.

Sergeant-at-Arms Cramer escorted U.S. Congressman Dennis Rehberg and the committee into the House Chamber.

Junior Girl Scout Troop from Billings presented the flags.

Invocation was given by Pastor Keith Johnson of the Evangelical Covenant Church.

After being introduced by President Beck, U.S. Congressman Dennis Rehberg delivered the following address:

Thank you for the opportunity to come back to Helena and address the Montana legislature. It's a great tradition for our state's Senators and Congressmen.

When I was here for three terms in the 1980's we listened to Senators John Melcher, Max Baucus and Conrad Burns, as well as Congressmen Pat Williams and Ron Marlenee. I learned then how valuable it is to keep the lines of communication open between our state officials and our representatives in Washington.

Now that I've had some experience in both the Montana Legislature and in the U. S. Congress, I can tell you there are a couple of pretty big differences. There are a lot more members in the United States Congress and the pay's a lot better. But, in Congress we've accomplished a lot less in the first 60 days than we ever did when I was a state legislator from Billings.

If we were paying Congressmen and legislators by the amount of legislation passed, the folks in this chamber would be getting paid a lot more and I'd be getting paid a lot less.

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

One other difference I should mention... When I took my turn as Speaker of the House last month, my mom watched me on C-SPAN. She called and told me to do a better job next time. It was a humbling experience. When I sat in that chair here in the Montana House of Representatives, my mom never once called and told me to straighten my tie, or never once told me I was losing weight.

But, things are starting to get down to whatever normal is on Capitol Hill in Washington. I've successfully figured out how to vote by using a plastic credit card. I've actually introduced a couple of bills. I've sat in my first few committee meetings, and just like here, it doesn't seem freshmen just don't get to talk enough in committee, or on the floor.

I'm sure you've noticed that President Bush is already driving the political agenda in Washington. Some of you probably watched his first speech last Tuesday.

The President has launched the debate on tax relief, by putting down his marker for a \$1.6 trillion permanent tax reduction over the next 10 years.

It was the famous Illinois Senator Everett Dirksen who once said: "A million here and a million there and pretty soon it adds up to real money."

Well, we've long since passed using millions, we've blown by billions and now, we're into trillions and trillions.

I don't know about you, but I'll admit I'm having a real hard time conjuring up a picture of what a trillion dollars is. I find myself wondering if you could buy every cow in America...or the world...with a trillion dollars. I have no idea. I do know you could buy every Cashmere goat in America with a lot less!

But, the President is very insistent on starting the tax relief debate at the \$1.6 trillion level, and he's making a very strong case.

He has also put forth a strong argument for his education plan. He's obviously very committed to his belief that no child should be left behind.

The President will soon be coming forward with his plan to revitalize and modernize our nation's military services and their defense capabilities. He started the ball rolling in his speech with his commitment to increase pay and benefits for the men and women in uniform – this includes the Reserves and National Guard men and women in the State of Montana—a position I wholeheartedly endorse. In fact, I beat the president to the punch and have already introduced legislation to increase the pay for those in military service by \$150 per month.

The President will soon submit his plans for a National Energy Policy – which will be very important to us here in Montana. His plan will address the need to increase domestic energy supplies in order to stabilize energy costs, a policy drastically overdue.

As a member of the Energy and Minerals Subcommittee of the House Natural Resources Committee, you may be assured that I will be intimately involved in the process because of its impact on our people, our resources and our environment. We will begin by fully funding clean coal technology, which is so important to Montana's future, and increasing funding for the low-income energy assistance program.

The President says he'll soon weigh in with his plans to shore up the Social Security and Medicare programs. He says he'll be looking for ways to increase retirement income for those just now entering the work force – but not at the expense of those nearing retirement.

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

This will be one of the great debates in the Congress this year – and certainly this century—as we bring our retirement system into the 21<sup>st</sup> century to meet the needs of our children and our parents.

This is the crux of the President's agenda, and his advisors are saying that we will be able to pay down the national debt to virtually zero in the next 10-year period. It's the first time any President has been able to say that the end of the national debt—that has been with us since the Civil War—is in sight.

Not that you had any doubt, but I'll be strongly supporting the President's agenda.

More importantly, however, I'll be working to ensure that Montana's interests are represented in the debate. And from that perspective, I want to talk to you now about what I think are some of the most important aspects of the presidential agenda and how they might affect Montana, as well as share with you a few of my core priorities over the next couple of years.

First - Tax relief. President Bush is right; Americans want, need, and deserve a share of the federal surplus. The President's tax relief plan is pretty simple. It takes the current five-rate structure of 15, 28, 31, 36 and 39.6 percent and puts in place a four-rate structure of 10, 15, 25 and 33 percent.

The numbers are not all in yet, but enactment of the President's plan could mean as much as \$5 million in new revenue for the State of Montana. And as much as I respect my colleagues in Washington, D. C., I would much rather have you spend the money on Montana priorities, such as education, health care or economic development, than let those in Congress spend it.

I'm very supportive of the plan to double the child tax credit to \$1,000, because that puts real money back in the pockets of taxpayers when they need it to provide for young families.

And, I'm extremely supportive of legislation to do away with the estate tax. The death tax is an onerous tax which punishes those who work and save, results in the destruction of family farms and businesses and forces our senior Americans, your parents and mine, to pay lawyers and accountants in order to save that which they have worked a lifetime to achieve.

Whether it's a ranch, a small business or an investment portfolio, the decision of who gets one's assets at death should be a matter of personal choice, not government edict.

In addition, I will fight for the elimination of the marriage penalty. While the President's plan calls for "reducing" of the marriage penalty, I see no reason to perpetuate a clearly discriminatory tax policy that hurts our Montana families. I will, therefore, be among those who will be pushing to not only reduce the discrepancy as the President suggests, but to eliminate it all together.

Can all of this be done? You bet. We don't need an Electrolux tax system sucking every last penny out of taxpayer's pockets.

We're paying all the bills in Washington, and there's a whole lot of money left over. I'm hopeful that together, Congress and the White House can give some of the left over back to the people who sent it in the first place. After all, it's their money.

By now you have noticed the President has made education reform his number one priority. And, those of you serving in the Legislature know that education is, and always has been, a Montana priority. My pledge to you is that I will work with you to see that Montana schools meet, and exceed the mark for Montana's education.

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

As a result, I want to say to my friends in Congress—"there is a difference between Jordan, Montana and Houston, Texas. And while the President's plan is a start, some of his ideas won't have as much impact in Montana as they will in other parts of the country. Quite frankly, vouchers may not be an answer for Montana.

Now don't get me wrong. The President's plan is probably working well in Texas. And, I suspect it'll work well for two-thirds of America's families and students – particularly those living in heavily populated areas – because not all public school systems are as good as Montana's and because those more populated areas have more choices than we do here. So for that reason, the President's plan is worthy of consideration – because it may very well help a significant portion of the rest of the country.

But, my task, and yours, is to find ways to help improve the education of our children right here in Montana.

As a result, you can be assured any education legislation I support will be put to a test...does it grant more freedom for schools, school districts and states in administering federal education dollars? And, does it give states and local school districts flexible block grants to prepare, recruit and train high-quality teachers? In return, school districts will be held accountable.

But, we must go beyond that. I believe we've got to expand Education Savings Accounts to help parents save for their children's education. We also need tax credits to cover tutoring costs and other educational expenses borne by parents to supplement their children's education. These tax credits will encourage parents involvement in finding ways to better supplement their children's education while preserving needed revenue in school budgets.

Finally, and, I'm very passionate about this, the federal government must honor its promise made to states under the Individuals with Disabilities Education Act, or IDEA—which directs federal dollars to students with special needs. You see, under IDEA, the federal government promised to pay 40% of the costs of special needs students, a commitment it has failed to meet. Currently, only 15% of these costs are funded out of the federal budget, forcing yet another unfunded mandate on our local school systems. This is unacceptable. The IDEA promise must be fully funded. It's simple—we have an obligation to see that no child is left behind.

Mending the best health care system in the world, without destroying it, is one of the real challenges facing the Congress - and lawmakers at every level have to be involved in the debate.

I am hopeful that we can have real health care reform on the President's desk by late this year.

Retirement should be a time of health and security for America's seniors. Yet, skyrocketing prescription drug costs have turned many seniors' golden years into nightmare years. Lack of drug coverage proportionately affects the near poor who are not eligible for Medicaid, the oldest area elderly and seniors living in rural America.

Our goal is to insure that all seniors have the ability to obtain effective prescription drug coverage, and I believe we can do it.

But, the legislative process often lacks a sense of urgency...that is why I am supporting the "Helping Hand" initiative that will provide funds to Montana - immediately - to help you provide prescription drug plans for Medicare recipients who are the least able to afford their needed prescriptions.

I am also going to support an effort to provide a new tax credit to help lower income-families purchase health insurance.

And, I am going to seek to permanently extend Medical Savings Accounts to allow families to save for future and

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

present health care needs.

I will also support a Patient's Bill of Rights that ensures that all Americans are guaranteed the personal choice of physicians and medical treatment, rather than what's allowed by HMO accountants in green eye shades 2,000 miles away from the doctor's office or the local hospital in Montana.

And, I'll be supporting an effort to up-grade veterans hospitals and improve the availability of health care for those who wore the uniform. I am currently working with others in Congress to provide veterans with a so-called "credit card" to cover health care received in facilities other than VA clinics and hospitals. It makes no sense to me why people are bussed all around the country when they can get great and timely service in their local hospitals or clinics. We should not, however, abandon our VA hospitals, which provide an essential service to many veterans across this country.

And, I will continue to work for increased Medicare reimbursements to our rural hospitals. In conversation with Speaker Hastert during my campaign, we discussed the plight of rural hospitals and the Speaker promised that help was coming. He delivered on that promise and approximately \$35 billion in additional money was allocated for Medicare recipients. I will continue to work with the Speaker to see that the true cost of providing medical services in rural communities is recognized.

Finally, as most of you know, Montana has one of the highest rates of uninsured patients in the nation. Statistics indicate that approximately 20 percent of our people do not have health care coverage. I can assure you that as the debate goes on in Congress, I'll be looking for ways to develop affordable insurance for families in Montana.

You know, though, we have to have a way to pay for what we need in education and health care. We simply just can't raise more money in taxes from a state that is 47<sup>th</sup> in the nation in per capita income and last in average wages for individuals.

So, that makes economic development #1 on my priority list. Without it, we can't afford the education system our children deserve, or the health insurance and medical care we need.

As elected leaders we cannot allow ourselves to wallow in self-pity or engage in doom and gloom. As public servants we must be optimists, because Montana does have a lot to offer.

We all know Montana needs jobs, and not just low paying jobs. But the question will be - how are we going to get them? Well, let's add up our assets and see what we've got.

We have an abundance of energy, and the ability to produce a great deal more. Our coal and natural gas reserves stretch for hundreds of years into the future. We can turn that into electricity, and yes, we can sell that electricity to California. But, why don't we go a step further, and add value to our electricity? Why don't we build generation facilities here in Montana, and then to California and say: "Come to Montana with your auto jobs, your computer jobs, your aerospace jobs. We will guarantee that you never experience a "brown-out or black-out". In fact, we will guarantee you a firm, low-cost power contract - not for 5 years or 10 years, but for 15, 20 or 30 years. Come to Glendive, Libby or Dillon. Come to our reservations, where we have 60% and 70% unemployment and need employment and jobs." "We have a strong east-west and north-south highway system. We have major rail lines that run east and west, and north and south."

In fact, if you don't move your business to Montana, we're going to lock you in a room with Senator Kitzenberg!"

Essential to any economic development is a communication and transportation infrastructure that meets today's needs. That's one of the reasons I asked to sit on the House Transportation Committee. We need a Montanan on



HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

that committee to see that we get every opportunity to improve the transportation system in Montana, that is so essential to economic development.

And, we must not forget that Montana is one of the top ag producing states in the country—it's still our number one industry.

We need a strong agricultural community in all 56 counties that's not continually beat down by low prices, drought and unfair trading practices. This week I will be introducing legislation as one solution to the farm crisis. The legislation I am referring to will allow a 20 year 50% tax credit for any capital expense adding value to agricultural products. I envision more businesses like Wheat Montana, Cream of the West and producer-owned sugar beet factories in Billings or Sidney. All of this means a more secure future for Montana, and better jobs for our families.

When I served in this body for three terms in the 1980's, I knew then that we had our partisan differences, most assuredly, but we were all genuinely committed to one thing—building a more secure future for Montana.

And, I know, from prior experience in this hall, that as this legislative body strives to do the people's business here during the next six weeks, you will work together for what is surely the ultimate goal—a better, more secure future for all Montanans throughout this great state we call home. For that I thank you. I know how hard and how rewarding your job is, and I wish you the best as you finish out the session.

Thank you for this opportunity to speak to you today. I hope you look forward as much as I do, to an on-going dialogue between the Congressional delegation and those of you serving with distinction here in Montana.

If there is ever anything I can do to assist, please call. My door is always open to you, my friends. Thank you.

The committee escorted U.S. Congressman Rehberg from the House Chamber.

Senator Thomas moved that the joint session of the 57<sup>th</sup> legislature be adjourned. Motion carried.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

Mr. Speaker appointed the following member to the Montana Heritage Preservation and Development Commission:

Representative Diane Rice

Mr. Speaker appointed the following member to the Environmental Quality Council:

Julie Page

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/5/2001

Correctly printed: **HB 544, SB 102, SB 122, SB 142, SB 279.**

Correctly engrossed: **SB 37, SB 44, SB 106, SB 148, SB 157.**

Correctly enrolled: **HB 20, HB 80, HB 97, HB 113, HB 141, HB 145, HB 185, HB 191, HB 192, HB 231, HB 258, HB 325, HJR 3, HJR 4, HJR 7.**

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Examined by the sponsor and found to be correct: **HB 20, HB 80, HB 97, HB 113, HB 141, HB 145, HB 185, HB 191, HB 192, HB 231, HB 258, HB 325, HJR 3, HJR 4, HJR 7.**

**NATURAL RESOURCES** (Younkin, Chairman):

3/5/2001

**SB 6**, be concurred in. Report adopted.

**SB 7**, be concurred in. Report adopted.

**SB 102**, be amended as follows:

1. Page 2, line 6.

**Following:** "unless the"

**Insert:** "development"

**Following:** "value"

**Strike:** remainder of line 6

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

3/3/2001

**SB 411**, introduced by Kitzenberg

Senate joint resolution passed and transmitted to the House for concurrence:

3/3/2001

**SJR 6**, introduced by Mohl

House bills concurred in and returned to the House:

3/3/2001

**HB 141**, introduced by Somerville

**HB 231**, introduced by Lawson

**HB 258**, introduced by Vick

**HB 325**, introduced by Laible

House joint resolutions concurred in and returned to the House:

3/3/2001

**HJR 3**, introduced by Lee

**HJR 4**, introduced by Fuchs

**HJR 7**, introduced by McGee

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/3/2001

**HB 154**, introduced by McGee

**HB 223**, introduced by Schmidt

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

**HB 625**, introduced by Musgrove, Fritz, Galvin-Halcro, Masolo, Olson, Ripley, Wolery, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 35**, introduced by Harris, Bixby, Branae, Carney, Cyr, Dell, Eggers, Erickson, Facey, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Laslovich, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Wanzenried, Wolery, referred to Education.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 411**, introduced by Kitzenberg, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 6**, introduced by Mohl (by request of the Department of Transportation), referred to Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lenhart in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 18 - Senate Amendments** - Representative Somerville moved **HB 18** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Absent or not voting: None.  
Total 0

**HB 111 - Senate Amendments** - Representative Lawson moved **HB 111** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 112 - Senate Amendments** - Representative Brueggeman moved **HB 112** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: P. Clark, Golie, Hurdle.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Absent or not voting: None.  
Total 0

**HB 525** - Representative Kasten moved **HB 525** do pass.

**HB 525** - Representative Kaufmann moved **HB 525**, second reading copy, be amended as follows :

1. Page 3, line 5 through line 8.

**Following:** "¿" on line 5

**Strike:** remainder of line 5 through line 8

2. Page 4, line 28.

**Strike:** "two-thirds"

**Insert:** "if a majority"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 525** - Representative Wanzenried moved **HB 525**, second reading copy, be amended as follows :

1. Page 4, line 10.

**Strike:** "supplemental appropriations."

2. Page 4, line 15.

**Strike:** "supplemental appropriations."

Representative Vick moved the amendment be divided. Thereupon, amendment number one was **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz,

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

Representative Wanzenried moved to withdraw his amendment for the purpose of a correction. Motion carried.

Thereupon, corrected amendment number two was **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Noennig, K. Peterson.

Total 2

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 525** - Representative Lewis moved for cloture. Motion requiring a two-thirds vote, failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin,

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Mr. Speaker.  
Total 62

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

Representative Noennig excused at this time.

Representative Smith moved consideration of **HB 525** be passed for the day. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 56

Excused: Bookout-Reinicke, Noennig.  
Total 2

Absent or not voting: Clancy, Younkin.  
Total 2

Motion that **HB 525**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McCann, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane,

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 45

Voted Absentee: Bookout-Reinicke, Aye; Noennig, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lenhart moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 38

Excused: Bookout-Reinicke, Noennig.

Total 2

Absent or not voting: None.

Total 0

Majority Leader Sliter moved that the House recess until 5:30 p.m. Motion carried.

House recessed at 3:11 p.m.

House reconvened at 5:30 p.m. All members present, except Representative Bookout-Reinicke and Juneau, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Masolo, Chairman):

3/5/2001

**SB 260**, be concurred in. Report adopted.

**SB 425**, be concurred in. Report adopted.



HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 19, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 40, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Total 0

Absent or not voting: Pattison.

Total 1

**HB 132, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Galvin-Halcro, Kasten, Mood, Pattison, Smith, Story, Waitschies.

Total 7

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: A. Peterson.

Total 1

**SB 37** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Branae, Dell, Harris, Hurdle, Kasten, Lawson.

Total 6

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

Absent or not voting: Lewis.  
Total 1

**SB 44** concurred in as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Dale, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Wolery, Younkin.  
Total 61

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Eggers, Esp, Haines, Himmelberger, Hurdle, Kasten, Laible, Laszloffy, Masolo, McCann, Mood, Pattison, K. Peterson, Rice, Schrumpf, Sliter, Smith, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.  
Total 38

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: Cyr.  
Total 1

**SB 106, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 67

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lindeen, McCann, Musgrove, Newman, K. Peterson, Raser, Schmidt, Tropila, Wanzenried.  
Total 33

Voted Absentee: Bookout-Reinicke, Aye; Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

**SB 148** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

**SB 157** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Adams, Branae, Buzzas, Carney, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lenhart, Schmidt, Tramelli, Wanzenried.

Total 25

Voted Absentee: Bookout-Reinicke, Aye; Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 1

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 5, 2001

**MOTIONS**

Representative Shockley requested on **HB 19**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Erickson requested on **HB 148**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Laible requested on **HB 29**, second reading Saturday, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Laible requested on **HB 40**, second reading Saturday, that his vote be changed from yes to no. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, March 6, 2001. Motion carried.

House adjourned at 5:43 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 6, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Callahan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby, Bookout-Reinicke, and Juneau, excused. Quorum present.

Mr. Speaker introduced the pages for the week:

Blake Rasmussen, Antelope  
John Cummings, Butte  
Caitlin Newman, Butte  
Austin Adams, Columbia Falls  
Brady Smith, Boulder  
David Steppler, Brockton  
Jaclyn Hein, Missoula  
Clayton Zerbe, Frazer  
Katy Sparks, Plevna  
Britney Younkin, Laurel

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/6/2001  
Correctly printed: **SB 6, SB 7, SB 97, SB 252, SB 260, SB 425.**  
Correctly engrossed: **HB 525.**  
Correctly enrolled: **HB 19, HB 40, HB 83, HB 132, HB 138, HB 176, HB 234, HB 271, HB 308, HB 369, HJR 30.**  
Examined by the sponsor and found to be correct: **HB 40, HB 132, HB 138, HB 141, HB 176, HB 308, HB 369, HJR 7, HJR 30.**  
Signed by the Speaker at 8:00 a.m., March 6, 2001: **HB 20, HB 80, HB 97, HB 113, HB 145, HB 185, HB 191, HB 192.**

**BUSINESS AND LABOR** (McKenney, Chairman): 3/5/2001  
**SB 78**, be concurred in. Report adopted.  
**SB 80**, be concurred in. Report adopted.  
**SB 97**, be amended as follows:

1. Title, line 9.

**Following:** "REIMBURSEMENT;"

**Insert:** "EXEMPTING INSURERS FROM LIABILITY FOR INJURIES SUFFERED BY THE CLAIMANT RESULTING FROM AN ACCIDENT THAT OCCURS DURING TRAVEL OR TREATMENT; MAINTAINING INSURER LIABILITY FOR COMPENSABLE INJURIES FOR WHICH TRAVEL AND TREATMENT WAS REQUIRED;"

2. Page 2, line 5.

**Following:** "month"

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

**Insert:** "unless the travel is requested or required by the insurer pursuant to 39-71-605"

3. Page 2, line 11 through line 12.

**Following:** "**FOR**"

**Strike:** "**ANY**" on line 11 through "**(1)(D)**" on line 12

**Insert:** "injuries or conditions that result from an accident that occurs during travel or treatment, except that the insurer retains liability for the compensable injuries and conditions for which the travel and treatment was required"

And, as amended, be concurred in. Report adopted.

**SB 211**, be concurred in. Report adopted.

**SB 252**, be amended as follows:

1. Page 1, line 22.

**Following:** "**capacity**"

**Insert:** "Temporary total disability benefits may be terminated on the date that the worker has been released to return to work in some capacity."

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/6/2001

**SB 103**, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

3/6/2001

**SB 58**, be concurred in. Report adopted.

**SB 150**, be concurred in. Report adopted.

**SB 153**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**HB 29** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 29**:

3/5/2001

Senator Grimes, Chairman

Senator Halligan

Senator K. Miller

House bills concurred in and returned to the House:

3/5/2001

**HB 83**, introduced by Matthews

**HB 138**, introduced by Mangan

**HB 176**, introduced by Jent

**HB 234**, introduced by Lawson

**HB 271**, introduced by Jayne

**HB 308**, introduced by Younkin

**HB 369**, introduced by Laslovich

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

House joint resolution concurred in and returned to the House:

3/5/2001

**HJR 30**, introduced by Story

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/5/2001

**HB 21**, introduced by Eggers

**HB 71**, introduced by Gallik

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 626**, introduced by McCann, Beck, Grosfield, Jergeson, Kitzenberg, McGee, Musgrove, Pattison, Tester, Wolery, referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 4** - Representative Adams moved **SB 4** be concurred in.

**SB 4** - Representative Lee moved **SB 4**, second reading copy, be amended as follows :

1. Page 2, line 9.

**Strike:** "6"

**Insert:** "3"

Amendment **not** adopted as follows:

Ayes: Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, McCann, McKenney, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54



HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Excused: Bixby, Bookout-Reinicke, Juneau.  
Total 3

Absent or not voting: None.  
Total 0

Motion that **SB 4** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 70

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila.  
Total 30

Voted Absentee: Bookout-Reinicke, Aye; Bixby, Juneau, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 29** - Representative Younkin moved **SB 29** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Absent or not voting: None.  
Total 0

**SB 41** - Representative E. Clark moved **SB 41** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Wolery, Younkin.  
Total 61

Noes: Adams, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Fisher, Fuchs, Haines, Holden, Hurdle, Jackson, Jayne, Kasten, Laible, Laszloffy, Lenhart, Masolo, McCann, Mood, Olson, Pattison, Rice, Ripley, Shockley, Sliter, Smith, Steinbeisser, Story, Vick, Waitschies, Wanzenried, Witt, Mr. Speaker.  
Total 39

Voted Absentee: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 122** - Representative Laible moved **SB 122** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

**SB 142** - Representative Himmelberger moved **SB 142** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Adams, Buzzas, Cyr, Dell, Eggers, Erickson, Gutsche, Harris, Hurdle, Jayne, Jent, Kaufmann, Lee, Lindeen, Newman, K. Peterson, Shockley, Wanzenried.

Total 18

Voted Absentee: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Dale excused at this time.

**SB 149** - Representative Younkin moved **SB 149** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 81

Noes: Adams, Brueggeman, Clancy, Davies, Forrester, Fuchs, Gillan, Jayne, Kasten, Laszloffy, Pattison, Ripley, Sliter, Thomas, Vick, Waddill, Walters, Mr. Speaker.

Total 18

Voted Absentee: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Laslovich, Newman, Sliter.

Total 9

Excused: Bixby, Bookout-Reinicke, Dale, Juneau.

Total 4

Absent or not voting: Carney.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 18, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Total 0

**HB 111, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Brueggeman, Davies, Fisher, Fuchs, Kasten, Laible, Laszloffy, Pattison, Sliter, Vick, Waitschies.

Total 11

Voted Absentee: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 112, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 92

Noes: R. Brown, Erickson, Galvin-Halcro, Golie, Hurdle, Pattison.

Total 6

Voted Absentee: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood, Younkin.

Total 2

**MOTIONS**

HOUSE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Representative Sliter moved that **SB 260** be taken from the Committee of the Whole and rereferred to the Committee on Education. There being no objections, so ordered.

Representative Sliter moved that **HB 626** be taken from the Committee on Appropriations and rereferred to the Committee on Natural Resources. There being no objections, so ordered.

Representative Tropila requested on **SB 157**, third reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Thomas, Chairman):  
**SB 34**, be concurred in. Report adopted.

3/5/2001

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, March 7, 2001. Motion carried.

House adjourned at 2:17 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 7, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Steinbeisser. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Mangan, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-second, forty-third, forty-fourth, forty-fifth, and forty-sixth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/7/2001

Correctly printed: **SB 20, SB 34, SB 58, SB 78, SB 80, SB 103, SB 113, SB 150, SB 153, SB 209, SB 211, SB 254.**

Correctly engrossed: **SB 4, SB 29, SB 41, SB 122, SB 142, SB 149.**

Correctly enrolled: **HB 18, HB 111, HB 112.**

Examined by the sponsor and found to be correct: **HB 19, HB 83, HB 271.**

3/6/2001

Examined by the sponsor and found to be correct:

3/7/2001

**HB 18, HB 74, HB 78, HB 111, HB 112, HB 130, HB 204, HB 221, HB 234, HB 417.**

**AGRICULTURE** (Hedges, Chairman):

3/7/2001

**SB 55**, be concurred in. Report adopted.

**SB 115**, be concurred in. Report adopted.

**SB 143**, be concurred in. Report adopted.

**SB 165**, be amended as follows:

1. Title, page 1, line 8 and 9.

**Strike:** "ELIMINATING" on line 8 through "PROJECTS;" on line 9

2. Title, page 1, line 13.

**Following:** "REPEALING"

**Strike:** "SECTIONS 90-9-314, 90-9-315, AND"

**Insert:** "SECTION"

3. Page 1, line 24.

**Strike:** "or"

4. Page 1, line 25.

**Following:** "seed capital"

**Insert:** ", or research and development"

5. Page 2.

**Following:** line 4.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

**Insert:** "(4) "Agricultural development project loan agreement" or "loan" means an agreement entered into between the council and

the loan recipient of a seed capital project loan or a research and development project loan that:

- (a) creates a debt relationship between the parties;
- (b) provides for a financial return to the council;
- (c) provides economic development potential to the state; and
- (d) contains various provisions and terms as required by the act."

**Renumber:** subsequent subsections

6. Page 3.

**Following:** line 4.

**Insert:** "(15) "Research and development project" means an agricultural development project that falls into the category of applied technology research or agricultural technology transfer and assistance.

(16) "Research and development project loan" means an agricultural development project loan agreement entered into

between the council and a loan recipient for a research and development project."

**Renumber:** subsequent subsections

7. Page 4, line 13.

**Following:** line 12.

**Insert:** "(c) applied technological research;"

**Renumber:** subsequent subsections

8. Page 4, line 25.

**Following:** "loan,"

**Insert:** "a research and development project proposal for a research and development project loan,"

9. Page 9, line 3.

**Following:** "Repealer."

**Strike:** "Sections 90-9-314, 90-9-315, and"

**Insert:** "Section"

**Following:** "MCA,"

**Strike:** "are"

**Insert:** "is"

And, as amended, be concurred in. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/6/2001

**SB 219**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

3/7/2001

**SB 105**, be concurred in. Report adopted.

**SB 238**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/7/2001

**SB 20**, be amended as follows:

1. Page 1, line 20.



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

**Strike:** "judge"  
**Insert:** "justice"

And, as amended, be concurred in. Report adopted.

**SB 113**, be concurred in. Report adopted.  
**SB 209**, be amended as follows:

1. Title, line 7.

**Following:** "STATE"

**Insert:** "OR A POLITICAL SUBDIVISION"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "2-9-303"

**Insert:** "AND 2-9-304"

2. Page 1, line 22.

**Insert:** "**Section 2.** Section 2-9-304, MCA, is amended to read:

**"2-9-304. Compromise or settlement of claim against political subdivision.** (1) The governing body of each political subdivision, after conferring with its legal officer or counsel, may compromise and settle any claim allowed by parts 1 through 3 of this chapter, subject to the terms of insurance, if any.

(2) All terms, conditions, and details of the governmental portion of a compromise or settlement agreement entered into pursuant to subsection (1) are public records available for public inspection unless a right of individual privacy clearly exceeds the merits of public disclosure."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 254**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bill concurred in: 3/6/2001

**SB 180**, introduced by Beck

House bills concurred in and returned to the House: 3/6/2001

**HB 74**, introduced by E. Clark

**HB 78**, introduced by E. Clark

**HB 130**, introduced by Lawson

**HB 152**, introduced by Gallik

**HB 204**, introduced by Bitney

**HB 221**, introduced by Witt

**HB 417**, introduced by Price

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/6/2001

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

**HB 148**, introduced by Jacobson  
**HB 172**, introduced by L. Holden  
**HB 174**, introduced by Jent  
**HB 300**, introduced by Wanzenried

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 627**, introduced by Juneau, referred to Federal Relations, Energy, and Telecommunications.  
**HB 628**, introduced by Wolery, Nelson, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Carney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 205** - Representative Hedges moved **SB 205** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Golie.

Total 1

**HB 44 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 44** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 154 - Senate Amendments** - Representative McGee moved Senate amendments to **HB 154** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Erickson, Laslovich.

Total 2

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Lee.

Total 1

**HB 223 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 223** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 21 - Senate Amendments** - Representative Eggers moved Senate amendments to **HB 21** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 77

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, Brueggeman, Dale, Davies, Esp, Fisher, Himmelberger, Kasten, Laible, Laszloffy, Lawson, Lewis, Pattison, K. Peterson, Ripley, Vick, Waitschies, Walters, Mr. Speaker.

Total 23

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 71 - Senate Amendments** - Representative Gallik moved Senate amendments to **HB 71** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 104 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 104** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 6** - Representative McGee moved **SB 6** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Eggers.

Total 1

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 7** - Representative McGee moved **SB 7** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 78** - Representative R. Brown moved **SB 78** be concurred in. Motion carried as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges,

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Kasten, Lindeen, Vick.

Total 3

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Andersen.

Total 1

**SB 80** - Representative Keane moved **SB 80** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 89

Noes: Adams, Balyeat, D. Brown, Davies, Devlin, Hurdle, Kasten, Story, Vick, Wanzenried, Mr. Speaker.

Total 11

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 97** - Representative Galvin-Halcro moved **SB 97** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf,

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Pattison, K. Peterson, Waitschies.

Total 3

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

**SB 102** - Representative Laible moved **SB 102** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 95

Noes: Dell, Lindeen, McCann, Mr. Speaker.

Total 4

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

**SB 211** - Representative Laible moved **SB 211** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Total 96

Noes: Sliter, Wanzenried.

Total 2

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Fritz, Schrumpf.

Total 2

**SB 425** - Representative Andersen moved **SB 425** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Bales, Jackson, Kasten, Laslovich, K. Peterson, Walters, Wanzenried.

Total 7

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Carney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Total 98

Noes: None.

Total 0

Excused: Mangan.

Total 1

Absent or not voting: Carney.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 525** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lehman, Lewis, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 57

Noes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 43

Voted Absentee: Mangan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 4, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 72

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Raser, Schmidt, Tramelli, Tropila.

Total 28

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 29** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 41** concurred in as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Wolery, Younkin.

Total 66

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Clancy, P. Clark, Curtiss, Dale, Davies, Dell, Esp, Fisher, Holden, Hurdle, Jackson, Jayne, Kasten, Laible, Laszloffy, McCann, Pattison, Rice, Ripley, Shockley,

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Steinbeisser, Story, Vick, Waitschies, Wanzenried, Witt, Mr. Speaker.  
Total 34

Voted Absentee: Mangan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 122** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Mangan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 142** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 82

Noes: Adams, Bixby, Buzzas, Cyr, Dell, Eggers, Erickson, Gallik, Gutsche, Harris, Jayne, Jent, Kaufmann, Lee, Newman, K. Peterson, Schmidt, Wanzenried.  
Total 18

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 149** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Adams, Balyeat, Brueggeman, Dale, Davies, Fuchs, Kasten, Laible, Laszloffy, Masolo, Mood, Pattison, Thomas, Vick, Waddill, Mr. Speaker.

Total 16

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 154**. Motion carried.

The Speaker appointed the following members:

Representative McGee, Chairman  
Representative Sliter  
Representative Gillan

Representative Sliter moved that **SB 46** be taken from the Committee on Judiciary and rereferred to the Committee on Taxation. Motion carried.

Representative Sliter moved that **SB 356** be taken from the Committee on State Administration and rereferred to the Committee on Business and Labor. Motion carried.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Representative Golie requested that **SB 4**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Facey requested that **SB 4**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Musgrove requested that **SB 4**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Hedges, Chairman): 3/7/2001  
**SJR 4**, be amended as follows:

1. Page 1, line 15.

**Following:** "public lands"

**Insert:** ", including National Parks and monuments"

2. Page 2, line 11.

**Following:** "Service,"

**Insert:** "the Director of the Bureau of Reclamation,"

And, as amended, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/7/2001  
**SB 234**, be concurred in. Report adopted.  
**SB 269**, be concurred in. Report adopted.  
**SB 398**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 3/7/2001  
**SB 161**, be concurred in. Report adopted.  
**SB 168**, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "AN"

**Insert:** "A DELAYED"

2. Page 2, line 24.

**Strike:** "July 1, 2001"

**Insert:** "January 1, 2002"

And, as amended, be concurred in. Report adopted.

**SB 175**, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 7, 2001

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, March 8, 2001. Motion carried.

House adjourned at 2:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 8, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/8/2001

Correctly printed: **SB 55, SB 105, SB 115, SB 143, SB 161, SB 165, SB 168, SB 175, SB 219, SB 234, SB 238, SB 269, SB 398, SJR 4.**

Correctly engrossed: **SB 6, SB 7, SB 78, SB 80, SB 97, SB 102, SB 205, SB 211, SB 425.**

Correctly enrolled: **HB 74, HB 78, HB 103, HB 130, HB 152, HB 204, HB 221, HB 272, HB 309, HB 411, HB 417, HJR 8.**

Examined by the sponsor and found to be correct: **HB 152.**

Signed by the Speaker at 8:25 a.m., March 8, 2001: **HB 19, HB 83, HB 111, HB 234, HB 258, HB 271, HB 369.**

Delivered to the Governor for her approval at 2:45 p.m., March 7, 2001: **HB 20, HB 80, HB 97, HB 113, HB 141, HB 145, HB 185, HB 191, HB 231, HB 325.**

Delivered to the Governor for her approval at 3:55 p.m., March 7, 2001: **HJR 3, HJR 4, HJR 7.**

Delivered to the Governor for her approval at 2:35 p.m., March 8, 2001: **HB 19, HB 83, HB 111, HB 234, HB 258, HB 271, HB 369.**

Delivered to the Secretary of State at 10:30 a.m., March 8, 2001: **HJR 3, HJR 4, HJR 7.**

**TRANSPORTATION** (Somerville, Chairman): 3/7/2001

**SB 53**, be concurred in. Report adopted.

**SB 203**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bill **not** concurred in and returned to the House: 3/8/2001

**HB 311**, introduced by Masolo

Senate bill concurred in and returned to the House: 3/7/2001

**SB 59**, introduced by Nelson

House bills concurred in and returned to the House: 3/7/2001

**HB 103**, introduced by Olson

**HB 272**, introduced by Olson

**HB 309**, introduced by Younkin

**HB 411**, introduced by Harris

House joint resolution concurred in and returned to the House: 3/7/2001



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

**HJR 8**, introduced by Jacobson

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/7/2001

**HB 129**, introduced by Bales

**HB 241**, introduced by B. Thomas

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 629**, introduced by Eggers, referred to Education.

**HB 630**, introduced by Buzzas, referred to Appropriations.

**HB 631**, introduced by Gillan, Branae, Callahan, Carney, Christiaens, P. Clark, Cyr, Dell, Doherty, Eggers, Erickson, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lee, Lindeen, Matthews, Newman, Raser, Schmidt, Tramelli, Wanzenried, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 174 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 174** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

**HB 300 - Senate Amendments** - Representative Wanzenried moved Senate amendments to **HB 300** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 34** - Representative Shockley moved consideration of **SB 34** be passed for the day. Motion carried.

**SB 150** - Representative Balyeat moved **SB 150** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Bixby, Carney, Eggers, Erickson, Fritz, Gillan, Hurdle, Jayne, Kasten, Laslovich, Lee, Schmidt, Waddill, Waitschies, Wanzenried.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 58** - Representative Gallus moved **SB 58** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: P. Clark, Erickson, Jayne, Kasten, Laslovich.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 153** - Representative Hedges moved **SB 153** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Mangan, Masolo, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, Cyr, Erickson, Esp, Himmelberger, Jayne, Juneau, Kasten, Laslovich, Lee, McCann, Witt.

Total 12

Excused: None.

Total 0

Absent or not voting: Lewis, Matthews.

Total 2

**SB 103** - Representative Younkin moved **SB 103** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 105** - Representative Fuchs moved **SB 105** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Carney, McCann, Pattison.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 113** - Representative Mangan moved **SB 113** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 238** - Representative Golie moved **SB 238** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 75

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, E. Clark, Davies, Devlin, Fisher, Kasten, Laible, Lenhart, Masolo, Mood, Pattison, Rice, Ripley, Smith, Story, Vick, Waddill, Waitschies, Wanzenried, Mr. Speaker.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Lee.  
Total 1

**SB 252** - Representative Price moved **SB 252** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 254** - Representative Newman moved **SB 254** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Vick.

Total 1

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 21, as amended by the Senate**, passed as follows:

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 82

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, Davies, Esp, Himmelberger, Laible, Laszloffy, Lewis, Pattison, K. Peterson, Rome, Vick, Waitschies, Mr. Speaker.

Total 17

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 44, as amended by the Senate, passed as follows:**

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 71, as amended by the Senate, passed as follows:**

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 104, as amended by the Senate,** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 223, as amended by the Senate,** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Laible, Laszloffy, Pattison, Vick.

Total 5



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 6** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: K. Peterson.  
Total 1

**SB 7** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

**SB 78** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Kasten, Lindeen, Wanzenried.

Total 3

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**SB 80** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin.

Total 80

Noes: Adams, Balyeat, D. Brown, Brueggeman, Dale, Davies, Dell, Devlin, Eggers, Hurdle, Kasten, Laszloffy, McCann, Pattison, Story, Vick, Waitschies, Wanzenried, Mr. Speaker.

Total 19

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**SB 97, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin.

Total 94

Noes: Eggers, Pattison, K. Peterson, Waitschies, Wanzenried, Mr. Speaker.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 102, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: Dell, Eggers, Mr. Speaker.

Total 3

Excused: None.

Total 0

Absent or not voting: K. Peterson.

Total 1

**SB 205** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 211** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Wanzenried.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 425** concurred in as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Bales, Jackson, Laslovich, K. Peterson.  
Total 4

Excused: None.  
Total 0

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Absent or not voting: None.  
Total 0

Majority Leader Sliter moved that the House recess until 2:00 p.m. Motion carried.

House recessed at 1:53 p.m.

House reconvened at 2:00 p.m. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

**SB 23**, be amended as follows:

3/7/2001

1. Page 36, line 28.

**Following:** "to"

**Insert:** ":

- (a) the assignment or transfer or the creation, attachment, perfection, or enforcement of a security interest in:
- (i) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. 104(a)(2); or
- (ii) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. 1396p(d)(4); or
- (b)"

2. Page 39, line 25.

**Following:** line 24

**Insert:** "(5) Subsections (1) and (3) do not apply to the assignment or transfer or the creation, attachment, or perfection of a security interest in:

- (a) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. 104(a)(2);
- (b) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. 1396p(d)(4)."

**Renumber:** subsequent subsection

And, as amended, be concurred in. Report adopted.

**SR 164**, be concurred in. Report adopted.

3/8/2001

**SR 268**, be concurred in. Report adopted.

3/7/2001

**EDUCATION** (Masolo, Chairman):

3/8/2001

**SB 260**, be amended as follows:

1. Page 1, line 25.

**Following:** "subsection (3)(b)"

**Strike:** "(i)" through "(3)(b)(iv)"

2. Page 2, line 4.

**Following:** "on"

**Insert:** "or provide electronic payments from"

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

3. Page 2, line 7 through page 2, line 10.

**Strike:** subsection (ii) in its entirety

**Renumber:** subsequent subsections

4. Page 2.

**Following:** line 14

**Insert:** "(4) (a) A district that chooses to establish a school district investment account described in this section shall enter into a written agreement with the county treasurer. The agreement must:

(i) establish specific procedures and reporting dates to comply with the requirements of subsection (3);

(ii) be binding upon the district and the county treasurer for a period of not less than 5 years;

(iii) be signed by the presiding officer of the board of trustees and the county treasurer; and

(iv) except as provided in subsection (4)(b), coincide with fiscal years beginning on July 1 and ending on June 30.

(b) An agreement that establishes a school district investment account for fiscal year 2002 must be entered into no later than October 1, 2001.

(c) The district and the county treasurer may renew an agreement, including terms and conditions on which they agree, provided that the terms and conditions comply with the provisions of this section.

(5) Except for electronic transfers of BASE aid and state advances for county equalization sent directly to a participating district's investment account under 20-9-346(3), the county treasurer shall, as required by law, continue to collect money and report to the districts that elect to establish a school district investment account."

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/7/2001

**SB 52**, be amended as follows:

1. Page 2, line 22.

**Following:** "organization"

**Insert:** "inters and does not scatter the remains and"

2. Page 2, following line 27.

**Insert:** "(6) A veterans' service organization accepting remains pursuant to this section shall take all reasonable steps to inter the remains in a veterans' cemetery. However, the organization is not liable for any additional expense for interment in a veterans' cemetery and interment in a veterans' cemetery is not a condition for immunity under this section."

**Renumber:** subsequent subsections

3. Page 3, line 5.

**Strike:** "(6)"

**Insert:** "(7)"

And, as amended, be concurred in. Report adopted.

**SB 166**, be concurred in. Report adopted.

**SB 194**, be concurred in. Report adopted.

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

**JUDICIARY** (Shockley, Chairman): 3/8/2001  
**SB 257**, be concurred in. Report adopted.  
**SB 344**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 3/7/2001  
**SB 33**, be concurred in. Report adopted.  
**SB 42**, be concurred in. Report adopted.  
**SB 91**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman): 3/8/2001  
**SB 90**, be concurred in. Report adopted.  
**SB 131**, be concurred in. Report adopted.  
**SB 228**, be concurred in. Report adopted.  
**SB 236**, be concurred in. Report adopted.

**TAXATION** (Story, Chairman): 3/8/2001  
**HB 16**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Following:** "INCREASE;"

**Insert:** "PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;"

2. Title, page 1, line 11.

**Strike:** "A RETROACTIVE"

**Insert:** "AN"

3. Page 6, line 25.

**Strike:** "\$19,000,000"

**Insert:** "\$14,000,000"

4. Page 6, line 26.

**Strike:** "4,000,000"

**Insert:** "2,500,000"

5. Page 7, line 1.

**Strike:** "2,000,000"

**Insert:** "10,500,000"

6. Page 7, line 2.

**Strike:** "6,500,000"

**Insert:** "4,500,000"

7. Page 7, line 5.

**Strike:** "["

**Strike:** "]"

8. Page 7, line 6.

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

**Strike:** "["  
**Strike:** "]"

9. Page 7.

**Following:** line 8

**Insert:** "NEW SECTION. Section 9. Submission to electorate. The question of whether this act will become effective shall be submitted to the qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot the full title of this act and the following:

    [] FOR increasing the accommodation tax by 1% to repay heritage tourism loans and providing a refundable income tax credit for the increased tax.

    [] AGAINST increasing the accommodation tax by 1% to repay heritage tourism loans and providing a refundable income tax credit for the increased tax."

**Renumber:** subsequent sections

10. Page 7, line 10.

**Strike:** "["  
**Strike:** "]"

11. Page 7, line 12.

**Strike:** "["  
**Strike:** "]"

12. Page 7, line 13.

**Strike:** "["  
**Strike:** "]"

13. Page 7, line 14.

**Strike:** "["  
**Strike:** "]"

14. Page 7, line 16 through line 19.

**Strike:** section 10 and section 11 in their entirety

**Insert:** "NEW SECTION. Section 11. Effective date -- applicability. This act is effective on approval by the electorate and applies to tax years beginning after December 31, 2002."

And, as amended, do pass. Report adopted.

**HB 609**, be adopted. Report adopted.

**HJR 2**, introduced joint resolution, be amended as follows:

1. Page 2, line 15.

**Strike:** "\$1,185,331,000, \$1,192,612,000"

**Insert:** "\$1,190,955,000, \$1,196,156,000"

2. Page 2, line 16.

**Strike:** "\$1,207,853,000"

**Insert:** "\$1,211,299,000"



HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

3. Page 3, line 12.

**Strike:** "\$541.382 \$569.469 \$596.526"

**Insert:** "\$539.980 \$571.493 \$598.531"

4. Page 3, line 14.

**Strike:** "71.126 73.653 75.144"

**Insert:** "74.626 72.903 74.394"

5. Page 3, line 22.

**Strike:** "16.833 17.234 17.692"

**Insert:** "19.745 17.566 17.919"

6. Page 4, line 6.

**Strike:** "11.141 10.583 10.968"

**Insert:** "11.755 12.521 12.932"

7. Page 5, line 7.

**Strike:** "\$1,185.331 \$1,192.612 \$1,207.853"

**Insert:** "\$1,190.955 \$1,196.156 \$1,211.299"

8. Page 6, line 12.

**Strike:** "(50.00%) (50.00%)" [fiscal 2002 and 2003]

**Insert:** "0.00% 0.00%"

9. Page 7, line 2.

**Strike:** "\$3.500 \$3.500 \$3.850"

**Insert:** "\$0.000 \$0.000 \$0.000"

10. Page 7, line 3.

**Strike:** "\$6.000 \$6.000 \$6.000"

**Insert:** "\$10.500 \$14.000 \$15.000"

11. Page 7, line 4.

**Strike:** "\$1.000 \$1.000 \$1.000"

**Insert:** "\$0.000 \$0.000 \$0.000"

12. Page 8, line 18.

**Strike:** "\$1.000 \$1.500 \$1.750"

**Insert:** "\$0.000 \$0.000 \$0.000"

13. Page 8, line 19.

**Strike:** "\$2.000 \$3.000 \$3.500"

**Insert:** "\$6.500 \$3.750 \$4.500"

14. Page 10, line 15.

**Strike:** "\$2.779 \$2.885"

**Insert:** "\$2.797 \$2.904"

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

15. Page 10, line 17.

**Strike:** "\$10.151 \$10.429"

**Insert:** "\$11.190 \$11.500"

16. Page 10, line 18.

**Strike:** "\$0.127 \$0.116 \$0.116"

**Insert:** "\$0.741 \$0.997 \$0.992"

17. Page 16, line 1.

**Strike:** "\$448.891 \$459.573 \$471.781"

**Insert:** "\$520.609 \$526.753 \$531.177"

18. Page 16.

**Following:** line 1

**Insert:** "FY Credits (Millions) \$0.000 \$0.997 \$2.188 \$2.000"

19. Page 16, line 13.

**Strike:** "\$55.509 \$56.787 \$58.095"

**Insert:** "\$55.345 \$56.452 \$58.145"

20. Page 16, line 14.

**Strike:** "2.246 2.298 2.351"

**Insert:** "2.239 2.284 2.353"

21. Page 16, line 15.

**Strike:** "128.237 129.727 131.233"

**Insert:** "123.452 124.793 125.447"

22. Page 16, line 16.

**Strike:** "3.830 3.874 3.917"

**Insert:** "3.807 3.847 3.867"

23. Page 16, line 17.

**Strike:** "29.515 29.668"

**Insert:** "29.666 29.821"

24. Page 17.

**Following:** line 2

**Insert:** "Tobacco Trust Interest Earnings 0.000 0.225 1.044 1.983"

25. Page 17.

**Following:** line 3

**Insert:** "Treasure State Endowment Regional Water System Interest Earnings 0.032 0.473 0.775 1.078"

26. Page 17, line 5.

**Strike:** "6.418 6.512 6.684"

**Insert:** "6.585 6.687 6.854"

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

27. Page 17, line 10.

**Strike:** "214.438 219.377 224.430"

**Insert:** "213.802 218.078 224.621"

28. Page 17, line 11.

**Strike:** "295.696 302.507 309.474 316.602"

**Insert:** "292.739 298.594 304.566 313.703"

29. Page 17, line 12.

**Strike:** "(\$3.403) (\$3.481) (\$3.561)"

**Insert:** "(\$3.392) (\$3.460) (\$3.564)"

30. Page 17, line 14.

**Strike:** "505.431 511.144 516.921"

**Insert:** "487.082 492.225 494.734"

31. Page 17, line 15.

**Strike:** "510.718 516.490 522.327"

**Insert:** "507.580 512.939 515.554"

32. Page 17, line 16.

**Strike:** "(\$3.305) (\$3.342) (\$3.380)"

**Insert:** "(\$3.185) (\$3.218) (\$3.235)"

33. Page 18, line 5.

**Strike:** "\$7.810 \$7.927"

**Insert:** "\$7.961 \$8.080"

34. Page 18, line 15.

**Strike:** "\$677.622 \$690.655 \$712.213"

**Insert:** "\$695.816 \$709.630 \$730.692"

And, as amended, be adopted. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 20** - Representative Harris moved **SB 20** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 115** - Representative Hedges moved **SB 115** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Erickson, Jayne, Mangan.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 143** - Representative Keane moved **SB 143** be concurred in. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Whitaker, Witt, Wolery, Younkin.

Total 63

Noes: Adams, Andersen, Balyeat, Bookout-Reinicke, R. Brown, Brueggeman, Davies, Dell, Eggers, Esp, Fisher, Forrester, Fuchs, Golie, Gutsche, Himmelberger, Hurdle, Jayne, Kasten, Laible, Laszloffy, Lenhart, Lewis, Masolo,

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Mood, Pattison, Rice, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Wanzenried, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 165** - Representative Devlin moved **SB 165** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Waitschies.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 209** - Representative Newman moved **SB 209** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Absent or not voting: Pattison.  
Total 1

**HB 219** - Representative Balyeat expressed a conflict of interest and abstained from voting.

**HB 219** - Representative Matthews moved **HB 219** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Eggers, Harris.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**HB 148 - Senate Amendments** - Representative Jacobson moved Senate amendments to **HB 148** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 8, 2001

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Carney.

Total 1

Excused: None.

Total 0

Absent or not voting: Buzzas, Davies, Gallus, Laszloffy, Vick.

Total 5

**MOTIONS**

Representative Devlin requested on **SB 6**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Lee requested on **SB 143**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Friday, March 9, 2001. Motion carried.

House adjourned at 2:46 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 9, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wolery. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-seventh, forty-eighth, and forty-ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Beck and yielded the Chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Senator, the Honorable Max Baucus. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee of four to notify Senator Baucus that the House was in joint session and ready to receive his address. Motion carried.

President Beck appointed Senators Holden and Franklin and Representatives Younkin and Tramelli and discharged them to escort the Honorable U.S. Congressman into the House Chamber.

Sergeant-at-Arms Cramer escorted Senator Max Baucus and the committee into the House Chamber.

Invocation was given by Pastor Keith Johnson of the Evangelical Covenant Church.

Pledge of Allegiance to the Flag.

After being introduced by President Beck, Senator Max Baucus delivered the following address:

Thanks for welcoming me back to the Montana Legislature. It's been a long time since I've had the pleasure of serving with you. Yet, in so many ways, it feels like it was just yesterday. I spent time working right here, sitting in your desk, Gary Forrester. Actually, it's you who is sitting in my desk!

That time shaped my views and reinforced my dedication to public service. I'm lucky to still have such good working relationships with so many of you on both sides of the aisle. Having served here only deepens my respect for everything you do. How hard you work.

It's easy for folks to be critical. But, I know the huge amount of work each one of you does for our state. Not just during these 90 days, but between sessions as well. You are all working to make this fragile and animated place we live a little bit better.



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

I'd like to acknowledge Aubyn Curtiss, who I served with years ago. I still proudly read your update and look for your picture in the Tobacco Valley and Western News.

I'm also pleased I've developed friendships with so many of you:

Walt McNutt - I appreciate your continuing interest in Economic Development. You've been a long-time champion of the issue, and I look forward to our continuing efforts and results.

Steve Gallus - I'm very interested in the bill you're drafting to promote high technology and economic development. That's exactly the way we should be moving as a state.

Mike Taylor - I like the bill you've sponsored to move job creation functions of the Department of Commerce over to Governor Martz's office. That's a great first step to start streamlining government.

Doug Mood - I've enjoyed our meetings and talks over the last few session, and look forward to continued discussions of economic development.

Sam Kitzenberg - You've been extremely helpful in our education discussions, and a great champion of Glasgow, the Hi-line and Montana.

Thank you all for your incredible service to Montana. Let's now take it to the next step. Let's reach our goals by working in unison at all levels of government - federal, state, and local. Working together is what I've done since I've been in public office, and what I will continue to do for as long as I'm lucky enough to serve Montana.

I feel there's real change in the air. I feel it in Washington and here in Montana, too. And it's an exciting feeling! We're changing by realizing we have to work together. We have to make the hard decisions if we ever want to reach our goals. Just this week Governor Martz met in a breakfast with the congressional delegation in D. C. I really appreciate that. It's east to talk the talk, but it's so nice when people walk the walk.

Conrad, Denny and I are working on putting together a Farm Bill right now. That's never happened before. The three of us sitting down at the table, talking about what we can do together to help Montanans. We're also planning on working on the next highway bill together. It's a new era with the Montana delegation.

Montanans gave me this job, just as they've given you yours, and we take that responsibility very seriously. Only by continuing to work together can we make sure that Montana is all we dream it can be.

### **Economic Development**

As the old saying goes, "The more things change, the more they stay the same." I don't know of anywhere that saying is more fitting than Montana. Joseph Kinsey Howard's book, "Montana: High, Wide and Handsome," is a book we all should read again. Published in 1943, it's a story of Montana that could just as easily be told today.

"[Montana's] imbalance in population will affect all America; and that is the reason for singling out a state whose economy seems most precarious - in the hope that discussion of its experience may encourage sympathetic understanding of steps already taken to aid it, and help set in motion more such movements for all of the west."

Remember, that was in 1943; 58 years ago. "...a state whose economy seems most precarious." Can't you just see that as a headline in today's paper? That feeling of change I mentioned earlier - let's capture that. Move forward together and be open to change. It's what will lead us to the new, fresh solutions we need. Our goal: A headline that reads -

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

"Montanans Embrace Change, Work Together, Reap Economic Bounty."

While embracing change, we will continue to honor the past. A past whose roots dig deep into agriculture and a land-based economy. Too often, the Old Economy is pitted against the new. This doesn't have to be an either/or situation.

For example, let's invest in research to develop new technologies for our basic industries. Combining the best of the old with the best of the new. Just look at what MSU's College of Agriculture is doing. Finding ways to apply technology to our basic industries. Especially farming. They've created alternative crops. Plants that produce fuels, oils, lubricants, pharmaceuticals.

Mark Semmens, a member of the Montana Board of Regents, recently said: "The factors that are adversely affecting our traditional industries are worldwide conditions that will not be changed by statewide policies. The reality is that if we want to gain competitive advantage with natural resource industries in Montana - or in the United States - we will do so by applying innovative technologies to resource production, extraction, and processing. And again, this comes right back to university research and education."

Change is a tough thing, but it's always for the better. It requires us to be on our toes. Nimble, creative and flexible. Just think of how many companies have gone under, and CEO's who have pulled the ripcord on the golden parachute because they wouldn't embrace new ideas. We can't let a similar fate happen to Montana. Change shouldn't be threatening. Being open, flexible and ready to seize new ideas and opportunities will lead us to the economic health we want and crave.

It's time we dig in our heels, roll up our sleeves. As author Sam Ewing once said, "Hard work spotlights the character of people: some turn up their sleeves, some turn up their noses, and some don't turn up at all."

We all know Montanans don't hesitate to roll up their sleeves and get to work. They pitch in and do the hard work. Awhile back I gave some of those hard working Montanans a call. We came up with the idea of holding an economic development summit.

We joined together last June in Great Falls with over 1,000 other hard-working Montanans for an Economic Development Summit. The enthusiasm of that crowd proved to me that we were on the right track.

Boosting our state's economy and creating good-paying jobs is important to Montanans. Let's join together to make this an annual event.

Our second summit will be this June 29<sup>th</sup> and 30<sup>th</sup> at the University of Great Falls. I know Denny mentioned to you on Monday that economic development is his number one priority. I was very pleased to hear that. This is yet another opportunity for us all to work together.

The Economic Development Action Group, led by my friend and banker from Billings, Tom Scott, was a result of the first summit. EDAG's 16 members are from all walks of life. Primarily from the private sector. They've been talking with Governor Martz and many of you, and have submitted recommendations on ways to boost the state's economy and create more good-paying jobs. Creating jobs is not a partisan issue. It's about taking care of our state. Moving us up from the bottom rung of the national economic ladder. I hope that we can all work together - and I mean that - to create more good-paying jobs so our kids can stay home.

I'd like to ask for your help and your support. Because we're all red-blooded Montanans. We're all in this together. And, we all must work together - Democrat and Republican, public and private sector, state, federal, local and tribal. Our kids' futures are just too important to let politics and partisanship get in the way. From the beginning of this

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

economic development initiative, I've had three guiding principles:

All efforts must be non-partisan.

The initiative must be private sector driven.

And, most importantly, nothing's off the table.

These are EDAG's building principles. They will drive us toward a real plan for economic development. While we're obviously not always going to agree on every single detail, we can agree on our goal. To achieve real economic health. And, I think that's something we can all agree on. It should be a priority for us all.

### **Education**

Economic development and education are linked. Education's got to be at the top of the list because you can't have one without the other.

Education is the fertile soil from which all success grows. Look at Mike Mansfield, a statesman we all admire:

Mike was a middle school dropout. He served as a soldier and toiled as a mine mucker. His wife, Maureen, was a powerful influence and turned his life around by encouraging him to further his education. From a man who had no employment options beyond manual labor to becoming a college professor, and then a Montana and American political leader. Throughout his career, Mike said simply, but with great sincerity, Maureen's support and her encouragement of education were the foundation of his success.

Statistics show that the average high school graduate earns up to 60 percent more than the high school dropout. A college graduate earns up to 80 to 90 percent more than a high school graduate. We've got to fund education. It's that simple. I've been keeping a very close eye on the proposals that have come forward here this year, and have been excited by what I've seen:

Bob Brown's and Linda McCulloch's Education Trust Plan, introduced by Majority Leader Fred Thomas.

Leveraging the Coal Tax Trust Fund - one way or another. This is an interesting idea.

Boosting tobacco taxes. It's been tossed around in the past, and I know you're looking at it.

We also have to help our teachers. There's no reason other states in our region can afford to pay their teachers what they're worth, and we can't. We should support legislation that encourages loan forgiveness and other incentives to teach in Montana schools.

Vocational education also is key to boosting our economy. Business knows that. Educators know that. We can't forget that when making funding decisions.

As we move boldly into the New Economy, we have to be prepared by adequately training New Workers.

I implore you, as Montana's elected leaders, to give our children a world-class education so they can compete in the New Economy. Our kids - the future senator from Eureka or Representative from Sidney - deserve no less.

You have to invest before you can see a return. Education is not only an investment in our children today, but an

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

investment that will still be delivering returns down the road so that we're not still in the same situation, the same cycle, 60 years from now.

**Finance/Tax Cut/Budget**

Just a quick update on the issues happening back in Washington -

In January I experienced 17 Glory Days as the Chairman of the Senate Finance Committee. But, being "demoted" to Top Democrat isn't half-bad either. The new Chairman, Chuck Grassley, is a great guy to be working with. He's from Iowa - a farm state. He is not only aware of the issues affecting rural areas. He truly understands them.

President Bush has put forth a \$1.6 trillion across-the-board tax cut plan, which is the main focus on Capitol Hill right now. I can tell you today - Montanans are going to get a substantial tax cut. A substantial tax cut - and they deserve it.

But, we must always protect Social Security, Medicare, and work to pay down the debt. The tax cut can only be considered in the context of those priorities.

I've met three times with President Bush on the tax cut plan. I've also met with Fed Chairman Alan Greenspan and Treasury Secretary Paul O'Neill. I've told them what I just told you - that I'm taking a cautious approach. I want to make sure that the substantial tax cut fits within the budget. We must ensure that we protect Medicare and Social Security so these programs will remain solvent for generations to come. And, we must create a universal prescription drug benefit for all seniors on Medicare. I intend to do that.

**Energy**

I'd like to talk about another arena where we need to see change. With our energy system. Let me again reference Howard's book to show another pattern that has emerged. One that we must get ahead of this time.

The year was 1937: "Now, however, a new frightening specter hung over the community and the state. Its name was power exhaustion. The same newspaper which reported a meager rain shower early in June also reported, less conspicuously, the closing of several units of the Anaconda Company's Great Falls zinc plant because of lack of power."

Several weeks ago I met with Steve Wright, acting administrator of the Bonneville Power Administration. BPA's proposed rate hike continues to grow. Some estimates say rates could jump 225 per cent. Wright got back to me this week and has some preliminary solutions. I'll be working with him, with the congressional delegation. And I'd really like to hear any and all ideas you have.

We're dealing with a power grid that was never meant for a deregulated market. Transmission is a large part of the problem. Even where there is enough power, getting it from where it is to where it needs to be is often impossible.

We have several options to explore including investing in generation, turbines, conservation practices, and increasing power transmission capacity. I want to make sure that we protect our jobs, our economy, and our consumers. As power rates go up, we must make sure Montanans don't suffer because other states want our power.

**Conclusion**

So where does this leave us? With a good base to work from.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Embracing change while valuing our heritage. A place to come together and concentrate on the big picture. Economic Development. New, good-paying jobs. A great education. A tax cut that is rewarding yet protects our interests. And finding solutions for the energy shortage.

I do believe that all things can be achieved through hard work and by working together. And the more people and interests that are involved, the more work than can be accomplished.

In parting, I'd like to share some final words of Joseph Kinsey Howard's with you. He understood the privilege of being a Montanan. We must never forget what we're fighting for. Now listen very carefully to the words written a half-century ago. "The sunset holds infinite promise. Fire sweeps up from behind the Rockies to consume the universe, kindles the whole horizon, and all the great sky is flame; then suddenly it falters and fades atop the distant peaks and the lonely buttes, ebbs and is lost in secret coulees. The Montanan is both humbled and exalted by this blazing glory filling his world, yet so quickly dead; he cannot but marvel that such a puny creature as he should be privileged to stand here unharmed, and watch. But the sun's fierce ecstasy will return tomorrow night. And next year..."

Together, let's embrace change and the future. We hold the sunset's "infinite promise" in the palm of our hand. The time has come. Thank you.

The committee escorted Senator Baucus from the House Chambers.

Senator Thomas moved that the joint session for the 57<sup>th</sup> legislature be adjourned. Motion carried.

Mr. Speaker in the chair. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/9/2001

Correctly printed: **HB 16, HB 609, HJR 2, SB 23, SB 33, SB 42, SB 52, SB 53, SB 90, SB 91, SB 131, SB 164, SB 166, SB 194, SB 203, SB 228, SB 236, SB 257, SB 260, SB 268, SB 334.**

Correctly engrossed: **SB 20, SB 58, SB 103, SB 105, SB 113, SB 115, SB 143, SB 150, SB 153, SB 165, SB 209, SB 219, SB 238, SB 252, SB 254.**

Correctly enrolled: **HB 21, HB 44, HB 71, HB 104, HB 108, HB 110, HB 114, HB 126, HB 147, HB 223.**

Examined by the sponsor and found to be correct: **HB 21, HB 44, HB 71, HB 103, HB 104, HB 108, HB 110, HB 114, HB 126, HB 147, HB 223, HB 272, HB 309, HB 411, HJR 8.**

Signed by the Speaker at 5:15 p.m., March 8, 2001: **HB 18, HB 40, HB 74, HB 78, HB 112, HB 130, HB 132, HB 138, HB 152, HB 176, HB 204, HB 221, HB 308, HB 417.**

**LOCAL GOVERNMENT** (Noennig, Chairman): 3/8/2001

**SB 199**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman): 3/9/2001

**SB 8**, be concurred in. Report adopted.

**SB 10**, be amended as follows:

1. Page 8, line 1.

**Strike:** "taxation"

**Insert:** "transportation"

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

2. Page 12, line 6.

**Strike:** "and"

3. Page 12, line 8.

**Following:** "regents"

**Insert:** ";

(h) promote and strengthen local government through recognition of the principle that strong communities, with effective, democratic governmental institutions, are one of the best assurances of a strong Montana;

(i) bring together representatives of state and local government for consideration of common problems;

(j) provide a forum for discussing state oversight of local functions, realistic local autonomy, and intergovernmental cooperation;

(k) identify and promote the most desirable allocation of state and local government functions, responsibilities, and revenue;

(l) promote concise, consistent, and uniform regulation for local government;

(m) coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly and less competitive fiscal and administrative relationships between and among state and local governments;

(n) review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;

(o) make recommendations to the legislature, executive branch agencies, and local governing bodies concerning:

(i) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and uniform guidance and regulations for local government;

(ii) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between levels of government;

(iii) methods of coordinating and simplifying competitive practices to achieve more orderly administrative relationships among levels of government; and

(iv) training programs and technical assistance for local government officers and employees that will promote effectiveness and efficiency in local government; and

(p) conduct interim studies as assigned"

4. Page 12, line 24.

**Strike:** "taxation"

**Insert:** "transportation"

**Strike:** "taxation"

**Insert:** "transportation"

5. Page 13, line 2.

**Following:** "functions"

**Insert:** "for the public employee retirement plans and"

6. Page 16.

**Following:** line 15

**Insert:** " NEW SECTION. Section 21. Coordination instruction. If [this act] and Senate Bill No. 137 are both passed and approved, Senate Bill No. 137 is void.

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 50**, be concurred in. Report adopted.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

**SB 184**, be amended as follows:

1. Page 1, line 24.

**Strike:** "and"

2. Page 1, line 25.

**Following:** "2-15-1506"

**Insert:** "; and

(m) the designated representative of a state agency desiring to participate who is accepted as a member by a majority of the current coordinating council members"

And, as amended, be concurred in. Report adopted.

**SB 370**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence: 3/8/2001

**SB 462**, introduced by Ellis

House bills concurred in and returned to the House: 3/8/2001

**HB 108**, introduced by Noennig

**HB 110**, introduced by Noennig

**HB 114**, introduced by Story

**HB 126**, introduced by Younkin

**HB 147**, introduced by Dale

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/8/2001

**HB 118**, introduced by Clancy

**HB 154** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 154**:

3/8/2001

Senator Grosfield, Chairman

Senator Halligan

Senator F. Thomas

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 632**, introduced by Mood, Beck, Cocchiarella, Doherty, Gillan, McGee, Sliter, referred to Federal Relations, Energy, and Telecommunications.

**HB 633**, introduced by Forrester, referred to Taxation.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

The following Senate bill was introduced, read first time, and referred to committee:

**SB 462**, introduced by Ellis, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 34** - Representative Shockley moved **SB 34** be concurred in. Motion carried as follows:

Ayes: Adams, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Andersen, Bales, Erickson, Esp, Hedges, Kasten, Kaufmann, McCann, Schrumpf, Story, Vick, Witt.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 544** - Representative Somerville moved **HB 544** do pass.

Representative R. Brown moved for cloture. Motion carried.

Motion that **HB 544** do pass carried as follows:

Ayes: Andersen, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laslovich, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 71

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, D. Brown, Brueggeman, Clancy, Dale, Eggers, Fisher, Fuchs,



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Hedges, Holden, Jayne, Juneau, Kasten, Laszloffy, Lee, Lehman, Lewis, McKenney, Pattison, Rice, Rome, Story, Vick, Witt.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Bixby, Dell, Eggers, Juneau, Lee.

Total 5

Excused: None.

Total 0

Absent or not voting: Jayne, Raser, Wolery.

Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 148, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**HB 174, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Story.

Total 1

**HB 300, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Total 0

Absent or not voting: None.

Total 0

**SB 20, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 58** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Jayne, Laslovich.

Total 2

Excused: None.

Total 0

Absent or not voting: Dell.

Total 1

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

**SB 103** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Buzzas, Lee.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 105** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Kasten, McCann, Mood, Pattison, Sliter, Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**SB 113** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 115** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Erickson, Hurdle, Mangan.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 143** concurred in as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schrumpf, Shockley, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Whitaker, Witt, Wolery, Younkin.

Total 65

Noes: Adams, Andersen, Balyeat, Bookout-Reinicke, R. Brown, Davies, Dell, Eggers, Erickson, Esp, Fisher, Fuchs, Golie, Gutsche, Hurdle, Jayne, Kasten, Laible, Laszloffy, Lee, Lenhart, Lewis, Masolo, McCann, Mood, Rice, Schmidt,

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Sliter, Smith, Steinbeisser, Vick, Waitschies, Walters, Wanzenried, Mr. Speaker.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 150** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Erickson, Jayne, Laslovich, Lee.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

**SB 153** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Cyr, Erickson, Esp, Himmelberger, Jayne, Juneau, Laslovich, Lee, Witt.  
Total 9

Excused: None.  
Total 0

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Absent or not voting: None.  
Total 0

**SB 165, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, McCann, Waitschies.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 209, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Vick.  
Total 1

**SB 219** concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Eggers, Gutsche, Harris, Hurdle, Newman, Raser, Wanzenried.

Total 7

Excused: None.

Total 0

Absent or not voting: Balyeat, Waitschies.

Total 2

**SB 238** concurred in as follows:

Ayes: Andersen, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Davies, Devlin, Fisher, Holden, Kasten, Laszloffy, Masolo, Mood, Pattison, Rice, Ripley, Smith, Story, Vick, Waddill, Waitschies.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 252, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,



HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 254** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Laslovich requested on **SB 58**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Raser requested on **SB 219**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative P. Clark requested on **HB 174** and **HB 300**, third reading today, that his votes be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

HOUSE JOURNAL  
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 9, 2001

Majority Leader Sliter moved that the House adjourn until 7:30 a.m., Saturday, March 10, 2001. Motion carried.

House adjourned at 3:02 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 10, 2001

House Chambers  
State Capitol

House convened at 7:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bales, Branae, Buzzas, Carney, Cyr, Eggers, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Harris, Hurdle, Jent, Keane, Laslovich, Olson, Schmidt, Tramelli, and Wanzenried, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/10/2001  
Correctly printed: **SB 8, SB 10, SB 50, SB 184, SB 199, SB 370.**  
Correctly engrossed: **HB 544, SB 34.**  
Signed by the Speaker at 5:15 p.m., March 9, 2001: **HB 21, HB 44, HB 71, HB 103, HB 104, HB 108, HB 110, HB 114, HB 126, HB 147, HB 223, HB 272, HB 309, HB 411, HJR 8.**

**TAXATION** (Story, Chairman): 3/9/2001  
**HB 225**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "CREATING"

**Strike:** "AN"

**Insert:** "A HIGHER"

2. Title, page 1, line 5.

**Following:** "THE"

**Insert:** "HIGHER"

**Following:** the second "FUND"

**Insert:** "OVER A 6-YEAR PERIOD"

3. Title, page 1, line 6.

**Following:** the second "THE"

**Insert:** "HIGHER"

4. Title, page 1, line 7.

**Following:** "SUPPORT"

**Strike:** "RESIDENT STUDENTS ATTENDING A UNIT OF THE UNIVERSITY SYSTEM"

**Insert:** "THE MONTANA HIGH SCHOOL HONOR SCHOLARSHIP PROGRAM AND OTHER STUDENT FINANCIAL AID"

5. Title, page 1, line 8.

**Following:** the second "THE"

**Insert:** "HIGHER"

**Following:** "FUND;"

**Insert:** "PROVIDING A STATUTORY APPROPRIATION;"

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 10, 2001

6. Title, page 1, line 9.

**Following:** "17-5-703"

**Strike:** "AND"

**Insert:** ", "

**Following:** "17-6-308,"

**Insert:** "AND 17-7-502,"

7. Title, page 1, line 9.

**Strike:** "AN"

**Insert:** "A DELAYED"

8. Page 1, line 22.

**Strike:** "an"

**Insert:** "a higher"

9. Page 3, line 8.

**Strike:** "an"

**Insert:** "a higher"

10. Page 4, line 17.

**Following:** "(3)"

**Insert:** "(a)"

11. Page 4, line 29.

**Following:** "interest."

**Insert:** "(b)"

**Strike:** "2001"

**Insert:** "2002"

**Strike:** "\$100"

**Insert:** "\$6.5"

12. Page 4, line 30.

**Following:** "to the"

**Insert:** "higher"

**Following:** " "

**Insert:** "In succeeding years, the board shall transfer the following amounts to the higher education trust fund:

- (i) \$20 million on July 1, 2003;
  - (ii) \$20 million on July 1, 2004;
  - (iii) \$20 million on July 1, 2005;
  - (iv) \$20 million on July 1, 2006; and
  - (v) \$13.5 million on July 1, 2007.
- (c)"

13. Page 5, line 1.

**Following:** the first "the"

**Insert:** "higher"

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 10, 2001

14. Page 5, lines 2 and 3.

**Strike:** "the state general fund" on line 2

**Insert:** "a state special revenue account"

**Following:** "support" on line 2

**Strike:** remainder of line 2 through "system" on line 3

**Insert:** "the Montana high school honor scholarship program or other student financial aid administered by the board of regents. The money in the state special revenue account is statutorily appropriated, as provided in 17-7-502, to the board of regents for those purposes"

15. Page 5, line 18 through line 21.

**Strike:** section 3 in its entirety

**Insert:** "Section 3. Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-6-308; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

16. Page 5, line 23.

**Strike:** "2001"

**Insert:** "2002"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 10, 2001

Senate bill passed and transmitted to the House for concurrence: 3/9/2001

**SB 106**, introduced by Sprague

House bills concurred in and returned to the House: 3/9/2001

**HB 175**, introduced by Jent

**HB 238**, introduced by Thomas

**HB 268**, introduced by Ripley

**HB 281**, introduced by Lindeen

**HB 286**, introduced by Thomas

**HB 358**, introduced by Bales

**HB 458**, introduced by Barrett

**HB 462**, introduced by Witt

House joint resolutions concurred in and returned to the House: 3/9/2001

**HJR 9**, introduced by Lindeen

**HJR 11**, introduced by Tropila

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/9/2001

**HB 166**, introduced by Lee

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 544** passed as follows:

Ayes: Andersen, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laslovich, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, D. Brown, Brueggeman, Clancy, Dale, Hedges, Holden, Jayne, Juneau, Kasten, Laszloffy, Lee, Lehman, Lewis, McKenney, Pattison, Rice, Ripley, Rome, Story, Thomas, Vick, Witt.  
Total 28

Voted Absentee: Branae, Buzzas, Carney, Cyr, Eggers, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Harris, Hurdle, Jent, Keane, Laslovich, Olson, Schmidt, Tramelli, Wanzenried, Ayes; Bales, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 10, 2001

Absent or not voting: None.  
Total 0

**SB 34** concurred in as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, YOUNKIN, Mr. Speaker.  
Total 94

Noes: Bales, Esp, Holden, Kasten, Pattison, Story.  
Total 6

Voted Absentee: Branae, Buzzas, Carney, Cyr, Eggers, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Harris, Hurdle, Jent, Keane, Laslovich, Olson, Schmidt, Tramelli, Wanzenried, Ayes; Bales, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Sliter moved that **HB 124** be taken from the Select Committee on Local Government and rereferred to the Committee on Local Government. There being no objections, so ordered.

Representative Sliter moved that **HB 144** be taken from the Committee on Appropriations and rereferred to the Committee on Legislative Administration. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, March 12, 2001. Motion carried.

House adjourned at 7:40 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 12, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Gallus. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney and Erickson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fiftieth, fifty-first, and fifty-second legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Beck and yielded the Chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary Address from the Honorable Chief Justice of the Supreme Court of the State of Montana. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee to notify the Honorable Chief Justice and Justices of the Supreme Court of the State of Montana; and the Honorable Judges of the District Courts; and Judges of the Courts of Limited Jurisdiction, that the House was in joint session and ready to receive the State of the Judiciary Address. Motion carried.

President Beck appointed Senators Grosfield and Halligan and Representatives Shockley and Harris and discharged them to escort the Honorable Chief Justice, Justices and Judges to the House Chamber.

Sergeant-at-Arms Cramer escorted the Honorable Justices of the Supreme Court, Judges of the District Courts, Judges of the Courts of Limited Jurisdiction, and the committee into the House Chamber.

President Beck introduced the Honorable Justices of the Supreme Court, Judges of the District Courts, and Judges of the Courts of Limited Jurisdiction:

Justices of the Montana Supreme Court

The Honorable Patricia Cotter  
The Honorable W. William Leaphart  
The Honorable James C. Nelson  
The Honorable Jim Regnier

Judges of the District Courts

The Honorable Ed McLean  
The Honorable Tom McKittrick



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

The Honorable Jack Whalen

Judges of the Courts of Limited Jurisdiction

The Honorable Peggy Jones  
The Honorable Marilyn Kober  
The Honorable Johnny Seiffert

Sergeant-at-Arms Cramer escorted the Honorable Chief Justice of the Supreme Court of the State of Montana and the committee into the House Chambers.

Invocation was given by Pastor Keith Johnson of the Evangelical Covenant Church.

The flags were presented by the Montana State Prison Honor Guard. The Pledge of Allegiance followed.

After being introduced by President Beck, the Honorable Chief Justice of the Supreme Court of the State of Montana, Karla M. Gray, delivered the following address:

Speaker McGee, President Beck, members of the 57th Montana Legislature, distinguished guests, ladies and gentlemen:

As the fourteenth Chief Justice of the Montana Supreme Court, I appreciate the special privilege of addressing this joint session of the Montana Legislature and, through you, the people of Montana. We are all at a special moment in history--the beginning of not just a new century, but a new millennium--a new millennium which arrived, we might all note, without the need for a single new law or court decision: a time to carry forward the best threads from the past and to forge strong new threads to solve the challenges Montana faces; and a time to look to the future with optimism, and with a renewed commitment to providing the people of Montana all *they* deserve from all of *us* in our respective roles under the Montana Constitution. I assure you that, *like* you, Montana's judges have made this commitment.

I want to start my remarks about the state of the judiciary today by saying that the judiciary in Montana is strong, in large part because of the high quality judges and justices Montanans have elected to serve them and the truly dedicated staffs we have gathered to help us. The judiciary, at every level, is totally dedicated to providing all Montanans with the access to justice, and the administration of justice without delay, to which they are entitled by the Montana Constitution. And, because it is important for all of us to remember that my remarks are about the *judiciary*, and not just the Supreme Court, I've started a new tradition by inviting judges from the courts of limited jurisdiction and the district courts to join us here today. You'll notice I invited only a few judges from the other courts--in part because of space considerations in the chamber, but largely because of caseload and travel expense considerations. I've learned the practice in some states is to "pack the place" with robed judges for this event, but I was sure somehow that was *not* the thing to do here today!

I do want to visit with you about a number of matters this afternoon: first, the basic structure of our judiciary and the creative ways being undertaken at all levels to provide both timely and quality justice; second, the non-caseload challenges we face and what must be done to meet them; and third, one bill pending before you. I hope to be brief enough not to tax your "sitting" power!

At the first level of our *currently* 3-tiered judicial branch are the courts of limited jurisdiction--the justices of the peace, municipal court judges, and city court judges. Fifty-two women and fifty-six men currently serve as judges of these courts. They are the "front line" of Montana's courts, since they handle all civil cases involving not more

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

than \$7,000, landlord/tenant disputes, traffic offenses and misdemeanor criminal cases. Indeed, these are the only courts with which most Montanans will ever have contact, as they handle the huge majority of the court cases in our state, some 274,440 having been filed in the year 2000. We're so fortunate to have such highly trained and dedicated judges resolving the vast majority of Montanans' legal disputes.

The next level of courts is the district courts, with their 40 judges (plus the statutory water court and workers' compensation court judges). The district courts--courts of general jurisdiction--handle every imaginable type of civil case, felony criminal cases, judicial review of final administrative decisions and appeals from the courts of limited jurisdiction; there were 31,545 filings in the district courts in 2000. This year, we have a record number--at least in recent years--of newly elected district court judges and, by all appearances, they will bring the same high quality and total commitment to their jobs that our more experienced district court, water court and workers' compensation court judges have long provided to the people of Montana.

The third level in our judicial branch of government is, of course, your Supreme Court, the court about which Montanans seem to know and understand the least. We are the "end of the road," the final arbiters of questions of Montana law. We are also the final protectors of the rights and freedoms Montanans provided to *each* of us in our 1972 Constitution. Unlike the federal and most state court systems, we must accept all appeals from all the district courts across the state, from everyday divorce cases and misdemeanor DUIs to cases of enormous statewide impact. This, of course, accounts for our heavy caseload. We also have original jurisdiction over certain kinds of matters, jurisdiction we exercise sparingly. In addition, we take very seriously the important work of disciplining lawyers who violate the rules of professional conduct in dealing with their clients, and have responsibility over a variety of other boards and commissions. I could go on about our other obligations, but suffice it to say we are a very busy and uncommonly productive court, dedicated to meeting our constitutional responsibilities to the people of Montana--the people who use their courts for the very purpose for which courts exist, to solve peoples' legal disputes--in a quality and timely way.

Perhaps even more important for you to know than this basic information about our courts, though, is what judges at all levels are doing to provide creative and/or more expeditious resolutions of cases and to be involved in their communities. There are scores of examples, but I'll give you just a few. One justice of the peace was instrumental in starting a mediation program for cases in his court, with *volunteer* mediators from the community and at no cost to the parties. The program has been a spectacular success, with between 60 and 70% of the cases in mediation being resolved there. The same judge went to a middle school, visited with the students about the need to make wise choices at all stages of life, and then conducted a formal sentencing--with all the trappings--of a youth who clearly had *not* made wise choices. I'm sure that visit had profoundly positive impacts on the young folks.

Our district court judges have become adept at using small amounts of locally available funds and obtaining grant monies to pilot innovative programs, especially those involving our youth. The District Court serving Richland, Dawson, McCone, Prairie and Wibaux Counties has implemented a "Youths Serving Communities" program which places juvenile offenders with tobacco, alcohol or gambling-related offenses into supervised community service. The program makes immediate consequences and accountability available in dealing with juvenile offenders and provides an honorable way for youths to pay for their mistakes. The same court established a youth offender and victim mediation program which brings offender and victim together to identify the harm to the victim, allow the offender to take responsibility for that hurt or harm and establish what the offender will do to "restore" the victim.

The District Court in Phillips County has expanded its court-appointed special advocate and guardian ad litem program (the CASA/GAL program) beyond child abuse and neglect cases to domestic relations cases involving children, relying entirely on volunteers. These CASA/GAL programs, which allow children's voices to be heard in the courtroom in the communities where they operate, are enormously helpful to the children, and also to judges in making appropriate decisions regarding children. The Yellowstone County District Court continues its long-successful Conference Committee which, with trained lay volunteers, decides the disposition of many youth offender

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

cases and has collected over \$250,000 in restitution during its history. Several district courts have initiated youth drug courts which, although resource-intensive for all involved, more successfully address the youth's drug problem and result in more responsible and productive lives. Similarly, the Gallatin County District Court is in the second year of its successful Treatment Court, which is a drug court for adult offenders.

The Supreme Court has improved efficiency by starting a mediation process on appeal which resolves nearly 10% of our caseload, and by tightening up on the length of lawyers' briefs and on granting motions for extensions of time. And as we move into the future, it is clear that courts at all levels can and must do better at harnessing technology to help us move cases more quickly.

Our job at the Supreme Court is much broader than deciding cases, however. We are responsible for the overall administration of justice in Montana and for ensuring that all Montanans have access to justice and are treated fairly once in the courts. We tend that responsibility very seriously indeed. Last year, we created a Commission to Eliminate Gender Bias in the Courts, as a follow-up to the Final Report from our Gender Fairness Task Force which demonstrated bias against *both* women and men in certain aspects of the court system, and made recommendations for minimizing or eliminating that bias. The newly established Commission is to assist the Supreme Court in implementing those recommendations. And we will need to take the same steps in addressing any racial or ethnic bias as well, because we can't achieve equal justice under the law so long as inappropriate factors may influence decision making in any court action. We also created the Commission on Self-Represented Litigants to address the problems faced by people who can't afford a lawyer--or simply choose to proceed without one--in legal actions. These folks are involved in significantly increasing numbers of cases at all levels of Montana's courts; for example, about 23% of the Supreme Court's cases last year involved at least one unrepresented party. They need help in presenting their cases as well as possible so as to maximize their day in court and, in addressing that need, we also can decrease the problems self-represented folks can cause opposing parties and the courts themselves.

All our best efforts at better case management and innovative resolution of cases, however, can do little to meet what I think is one of the biggest challenges facing us as judges and justices: improving public trust and confidence in courts and the rule of law.

The late United States Supreme Court Justice Thurgood Marshall said, simply and profoundly, "The only real power we have as judges is the respect of the people." And that's the absolute truth. But people find it difficult to respect judges they never see, who seem isolated from the society around them and who do jobs which are little understood. As recent years have shown us, both nationally and in Montana, we clearly have much work to do in promoting public trust, and we will take up this challenge in a proactive way, especially at the Supreme Court, the part of government about which Montanans seem to know the least.

We must establish better communications and relationships with, and provide much more information to, the people we serve, and that includes all of you. As far as branch relationships go, you took the first--and much needed--step of creating the Law, Justice and Indian Affairs Committee last session and charging it as the official liaison between the legislative and judicial branches. I congratulate you on this important, future-oriented step, and look forward to working productively with the committee, as well as taking other steps to improve relationships between the branches. We all know that our system of separate but equal branches, with checks and balances on each other, creates inherent and inevitable tensions between our branches. But those tensions can be minimized if members of the judicial *and* legislative branches understand each other and our respective jobs better; keep in mind that we *each* leave *each other* some "clean up" work to do from time to time, because that's how checks and balances work; and refuse to contribute in any way to public distrust of each other, because doing so only heightens people's negative feelings about government in general.

But we also must ramp up in a major way our efforts to reconnect with the people of Montana. We must establish

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

a Court website so that Montanans everywhere can learn about their justice system at all levels, how and why cases get to the Supreme Court and what our role and the role of the rule of law are in this great state and nation. We must speak to every civic group, service club and school class which will have us on these same subjects, to provide as much basic information as we can. We must do more "road shows" to other than the major cities, so people in places like Lewistown, Havre, Miles City, Glasgow, Sidney and Glendive can see an oral argument before their Supreme Court in person, and have a chance to meet us and discover that we're just like every other Montanan--trying to do the best job we can at the particular job we do. And we must start a *dialog* with Montanans as well, through "town meeting" type settings, where the people and their judges from all levels can come together, share information *and* concerns, and brainstorm together on making justice in Montana as effective and efficient as it can possibly be. I know that if we reach out in these ways, the people of Montana will reach back, and that our success in improving public trust and confidence in the courts will hugely outstrip the effort involved. And I pledge to you that we will begin our work in these areas before this year is out.

Finally, I want to address--and strenuously encourage your support for--one bill still pending in this Legislature which will greatly benefit our *shared* constituents, *all* the people of Montana. That bill is Senator Grosfield's SB 158, which will create an intermediate appellate court. In my view, and hopefully in yours, the *need* for this bill to resolve increasing delays faced by the people of Montana in obtaining a final resolution of their legal disputes is beyond dispute.

Our caseload at the Court increased last year by nearly 20%, and our backlog of cases is now nearing 600. Some like to say that we bring this caseload on ourselves and, to a limited extent, that may be true because all changes in the law have the potential of engendering a few additional lawsuits; of course, the converse is also true--changes in the law also *prevent* some lawsuits. But many factors go into our caseload, including actions taken by this body; and perhaps the easiest example of that is your decision to create felony DUIs. It was clearly a good public policy decision for Montana. But that one legislative action has resulted in scores of *misdemeanor* DUIs being appealed to our Court each year, because drinkers who drive can easily see what their future will hold as each misdemeanor conviction is added to their record. And population increases and the simple fact that we live in an increasingly litigious society also factor into our caseload.

But the critical focus is not *why* our caseload has increased. The critical focus is that it *has* increased, and it is the people of Montana who are paying the price, by ever-lengthening delays in the final resolution of their cases at our Court. Because the simple fact is that the Court not only can't keep up, we're falling farther and farther behind in our ability to provide Montanans with both the access to justice and the timely administration of justice they are guaranteed by the Montana Constitution. SB 158 passed the Senate 46 to 2, and I believe the merits of, and need for, the appellate court nearly sell themselves.

But yes, there is a fiscal impact. And yes, I remain as thankful as I was during the years I lobbied this body that it is not *my* job to balance the budget, especially during times like these. But the overall fiscal impact of SB 158 on the state's budget is, I suggest, *very* small when measured against the fact that, by creating this appeals court during *this* Legislature, *you* can provide *us* with the ability to preserve and protect Montanans' constitutional right to the administration of justice without delay. I respectfully urge you to pass SB 158 for the people of Montana.

In closing, I'd just say that *I* am proud, and you and the people of Montana have every right to be proud, of the quality of justice the Montana judiciary--and its excellent staff--provides. We are, and will remain, committed to meeting the challenges of providing justice in an accessible, fair, timely and cost-effective way for the people of Montana--with the hope that, during this new century, we can finally achieve the long-sought constitutional ideal of equal justice under the law.

Thank you again for this opportunity to visit about the state of the judiciary, and best wishes from our branch to

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

yours for a productive and successful session.

The committee escorted the Honorable Chief Justice, Justices and Judges from the House Chamber.

The Sergeants-at-Arms Ahner and Cramer escorted the Governor and other dignitaries from the Chamber.

Senator Thomas moved that the joint session of the 57<sup>th</sup> legislature, convened to receive the State of the Judiciary Address, be adjourned. Motion carried.

Mr. Speaker in the Chair. All members present, except Representatives Bitney and Erickson, excused. Quorum present.

Representative Holden led the House in singing Happy Birthday to Representatives Gallik and Esp.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/12/2001  
Correctly enrolled: **HB 148, HB 174, HB 300.**  
Delivered to the Governor for her approval at 9:30 a.m., March 12, 2001: **HB 18, HB 40, HB 74, HB 78, HB 112, HB 130, HB 132, HB 138, HB 152, HB 176, HB 204, HB 221, HB 308, HB 417.**  
Delivered to the Secretary of State at 10:00 a.m., March 12, 2001: **HJR 30.**

**APPROPRIATIONS** (Vick, Chairman): 3/9/2001  
**HB 2**, introduced bill, be amended as follows:

**Strike:** everything after the enacting clause and insert attached.

NEW SECTION. Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 2001".

NEW SECTION. Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2003 biennium, are adopted as legislative intent.

NEW SECTION. Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. Section 4. Appropriation control. An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2005 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

NEW SECTION. Section 5. Program definition. As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinally numbered with an arabic numeral.

NEW SECTION. Section 6. Personal services funding -- 2005 biennium. (1) Except as provided in

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

subsection (2), present law and new proposal funding budget requests for the 2005 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2005 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

NEW SECTION. **Section 1. Personal services line item.** Funds appropriated for personal services or indicated in legislative intent as having been appropriated for personal services may not be expended under any other category except for contract services (expenditure account 62102) or for the early return to work program. Any transfer of funds from personal services to contract services is to be used to directly substitute for use of personal services. Any transfer for either contract services or for the early return to work program must be reported in writing to the legislative finance committee. The provisions of this section do not apply to the Montana university system.

NEW SECTION. **Section 2. Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

NEW SECTION. **Section 4. Appropriations.** The following money is appropriated for the respective fiscal years:

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

A. GENERAL GOVERNMENT AND TRANSPORTATION

LEGISLATIVE BRANCH (1104)

1.	Legislative Services (20)											
	4,217,074	905,353	0	0	0	5,122,427	4,518,440	430,738	0	0	0	4,949,178
2.	Legislative Committees and Activities (21)											
	673,484	77,285	0	0	0	750,769	0	0	0	0	0	0
3.	Fiscal Analysis and Review (27)											
	1,041,785	0	0	0	0	1,041,785	1,086,461	0	0	0	0	1,086,461
4.	Audit and Examination (28)											
	1,788,171	1,376,921	0	0	0	3,165,092	1,827,681	1,311,929	0	0	0	3,139,610

Total	7,720,514	2,359,559	0	0	0	10,080,073	7,432,582	1,742,667	0	0	0	9,175,249
-------	-----------	-----------	---	---	---	------------	-----------	-----------	---	---	---	-----------

Item 1 includes a reduction of \$35,908 in fiscal year 2002 and \$36,036 in fiscal year 2003 of general fund money. Item 4 includes a reduction of \$9,958 in fiscal year 2002 and \$9,993 in fiscal year 2003 of state special revenue. This reduction is the equivalent of funding for 1.25 full-time equivalent employees. The branch may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

CONSUMER COUNSEL (1112)

1.	Administration Program (01)											
	0	1,105,898	0	0	0	1,105,898	0	1,107,913	0	0	0	1,107,913

Total	0	1,105,898	0	0	0	1,105,898	0	1,107,913	0	0	0	1,107,913
-------	---	-----------	---	---	---	-----------	---	-----------	---	---	---	-----------

JUDICIARY (2110)

1.	Supreme Court Operations (01)											
	2,960,280	1,146,531	363,207	0	0	4,470,018	2,976,438	1,071,519	363,205	0	0	4,411,162
	a.	Legislative Audit (Restricted/Biennial)										
		26,757	0	0	0	26,757	0	0	0	0	0	0
	b.	Court-Appointed Special Advocate Program (Biennial)										
		50,000	0	100,000	0	150,000	50,000	0	0	0	0	50,000
2.	Boards and Commissions (02)											
	244,559	0	0	0	0	244,559	274,901	0	0	0	0	274,901
3.	Law Library (03)											
	772,001	0	0	0	0	772,001	776,471	0	0	0	0	776,471

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

4.	District Court Operations (04)											
	4,853,964	0	0	0	0	4,853,964	4,877,311	0	0	0	0	4,877,311
5.	Water Courts Supervision (05)											
	0	669,691	0	0	0	669,691	0	678,959	0	0	0	678,959
6.	Clerk of Court (06)											
	288,479	0	0	0	0	288,479	337,855	0	0	0	0	337,855
a.	Equipment (OTO)											
	3,500	0	0	0	0	3,500	0	0	0	0	0	0

Total												
	9,199,540	1,816,222	463,207	0	0	11,478,969	9,292,976	1,750,478	363,205	0	0	11,406,659

Item 1 includes a reduction of \$24,948 of general fund money, \$3,469 of state special revenue, and \$518 of federal special revenue in fiscal year 2002 and \$25,033 of general fund money, \$3,481 of state special revenue, and \$520 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The court may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

MONTANA CHIROPRACTIC LEGAL PANEL (2115)

1.	Legal Panel Operations (01)											
	0	15,000	0	0	0	15,000	0	15,000	0	0	0	15,000

Total												
	0	15,000	0	0	0	15,000	0	15,000	0	0	0	15,000

GOVERNOR'S OFFICE (3101)

1.	Executive Office Program (01)											
	1,124,201	285,664	0	0	0	1,409,865	1,126,453	286,360	0	0	0	1,412,813
a.	Legislative Audit (Restricted/Biennial)											
	24,325	0	0	0	0	24,325	0	0	0	0	0	0
2.	Mansion Maintenance Program (02)											
	78,882	0	0	0	0	78,882	79,035	0	0	0	0	79,035
3.	Air Transportation Program (03)											
	175,409	16,000	0	0	0	191,409	176,700	16,000	0	0	0	192,700
4.	Office of Budget and Program Planning (04)											
	1,087,033	0	0	0	0	1,087,033	1,081,052	0	0	0	0	1,081,052
a.	Legislative Audit (Restricted/Biennial)											
	22,865	0	0	0	0	22,865	0	0	0	0	0	0



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	b.	Video Projector and Computer (OTO)										
	5,600	0	0	0	0	5,600	0	0	0	0	0	0
5.	Indian Affairs (05)											
	112,204	0	0	0	0	112,204	112,583	0	0	0	0	112,583
	a.	Carryover Funds (Restricted)										
	0	150,000	2,000,000	0	0	2,150,000	0	0	0	0	0	0
6.	Lieutenant Governor (12)											
	223,314	0	0	0	0	223,314	224,893	0	0	0	0	224,893
7.	Citizens' Advocate Office (16)											
	65,274	0	15,000	0	0	80,274	65,483	0	15,000	0	0	80,483
8.	Mental Disabilities Board of Visitors (20)											
	261,307	0	29,306	0	0	290,613	258,196	0	29,804	0	0	288,000

Total												
	3,180,414	451,664	2,044,306	0	0	5,676,384	3,124,395	302,360	44,804	0	0	3,471,559

Item 1 includes a reduction in general fund money of \$29,180 in fiscal year 2002 and \$29,180 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The office may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$19,201 of general fund money and \$970 of state special revenue in fiscal year 2002 and \$19,261 of general fund money and \$973 of state special revenue in fiscal year 2003. Item 8 includes a reduction of \$299 in fiscal year 2002 and \$300 in fiscal year 2003 of federal special revenue. This reduction is the equivalent of funding for a 0.5 full-time equivalent employee. The office may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 5a is contingent upon passage and approval of House Bill No. 21. Funds in item 5a for the 2003 biennium are limited to the unspent balance of the 2001 appropriation of up to \$150,000 in state special revenue and \$2 million in federal special revenue.

COMMISSIONER OF POLITICAL PRACTICES (3202)

1.	Administration (01)											
	345,658	0	0	0	0	345,658	346,876	0	0	0	0	346,876
	a.	Legislative Audit (Restricted/Biennial)										
	4,865	0	0	0	0	4,865	0	0	0	0	0	0

Total												
	350,523	0	0	0	0	350,523	346,876	0	0	0	0	346,876

Item 1 includes a reduction in general fund money of \$571 in fiscal year 2002 and \$571 in fiscal year 2003. This reduction is the equivalent of a 25% reduction

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

n fiscal year 2000 base budget travel expenses.

OFFICE OF THE STATE AUDITOR (3401)

1.	Central Management (01)											
	0	527,085	0	0	0	527,085	0	525,042	0	0	0	525,042
a.	Legislative Audit (Restricted/Biennial)											
	0	4,368	0	0	0	4,368	0	0	0	0	0	0
2.	Insurance Program (03)											
	0	2,384,081	0	0	0	2,384,081	0	2,397,950	0	0	0	2,397,950
a.	Legislative Audit (Restricted/Biennial)											
	0	19,219	0	0	0	19,219	0	0	0	0	0	0
b.	Contract Examinations (Restricted)											
	0	107,234	0	0	0	107,234	0	52,234	0	0	0	52,234
3.	Securities (04)											
	329,782	190,139	0	0	0	519,921	332,084	190,167	0	0	0	522,251
a.	Legislative Audit (Restricted/Biennial)											
	3,689	1,844	0	0	0	5,533	0	0	0	0	0	0
b.	Contract Examinations (Restricted)											
	0	12,000	0	0	0	12,000	0	12,000	0	0	0	12,000
<hr/>												
Total	333,471	3,245,970	0	0	0	3,579,441	332,084	3,177,393	0	0	0	3,509,477

Item 2 includes a reduction of \$19,786 in fiscal year 2002 and \$19,853 in fiscal year 2003 of state special revenue. Item 3 includes a reduction of \$9,149 in fiscal year 2002 and \$9,181 in fiscal year 2003 of general fund money. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The office may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 3 includes a reduction in general fund money of \$7,548 in fiscal year 2002 and \$7,548 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The office may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

DEPARTMENT OF TRANSPORTATION (5401)

1.	General Operations Program (01)											
	0	16,299,568	1,249,771	0	0	17,549,339	0	16,308,506	1,183,602	0	0	17,492,108
a.	Legislative Audit (Restricted/Biennial)											
	0	109,461	0	0	0	109,461	0	0	0	0	0	0
b.	General Operations One-Time Costs (OTO)											
	0	457,500	0	0	0	457,500	0	200,000	0	0	0	200,000

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

2.	Construction Program (02) (Biennial)	0	70,994,788	296,293,538	0	0	367,288,326	0	73,754,289	305,575,826	0	0	379,330,115
a.	Construction Program One-Time Costs (OTO)	0	53,000	120,000	0	0	173,000	0	0	0	0	0	0
3.	Maintenance Program (03) (Biennial)	0	75,870,412	5,090,609	0	0	80,961,021	0	76,230,890	5,090,609	0	0	81,321,499
a.	Maintenance Program One-Time Costs (OTO)	0	167,700	0	0	0	167,700	0	0	0	0	0	0
4.	Motor Carrier Services Division (22)	0	4,971,167	0	0	0	4,971,167	0	4,994,990	0	0	0	4,994,990
a.	Mobile Officer Vehicle Enforcement Computers (OTO)	0	6,200	0	0	0	6,200	0	0	0	0	0	0
5.	Aeronautics Program (40)	0	748,611	112,500	0	0	861,111	0	763,054	85,500	0	0	848,554
a.	Airport Development Grants (Biennial)	0	450,000	0	0	0	450,000	0	0	0	0	0	0
b.	Airport Pavement Preservation Grants (Biennial)	0	250,000	0	0	0	250,000	0	0	0	0	0	0
c.	Federal Airport Improvement Grants (Biennial)	0	16,667	300,000	0	0	316,667	0	0	0	0	0	0
6.	Transportation Planning Division (50)	0	2,121,160	10,719,595	0	0	12,840,755	0	1,934,325	13,168,607	0	0	15,102,932
a.	Software and Field Data Collection (Biennial/OTO)	0	60,000	240,000	0	0	300,000	0	0	0	0	0	0
b.	Statewide Truck Activity Reporting System (OTO)	0	173,212	573,068	0	0	746,280	0	115,323	381,544	0	0	496,867
<hr/>													
Total		0	172,749,446	314,699,081	0	0	487,448,527	0	174,301,377	325,485,688	0	0	499,787,065

The department may adjust appropriations in the construction, maintenance, and transportation planning programs between state special and federal special revenue fund types if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between fund types must be fully explained and justified by budget documents submitted to the office of budget and program planning, and all fund transfers of more than \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

All federal special revenue appropriations in the department are biennial.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Item 2 includes a reduction of \$536,415 of state special revenue and \$294,850 of federal special revenue in fiscal year 2002 and \$538,286 of state special revenue and \$295,878 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 22.25 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 2 includes a total of \$63,690 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

All appropriations in the construction program are biennial.

All appropriations in the maintenance program are biennial.

All appropriations in the transportation planning program are biennial.

DEPARTMENT OF REVENUE (5801)

1.	Director's Office (01)											
	2,315,882	300	800	30,068	0	2,347,050	2,326,931	0	0	30,643	0	2,357,574
	a. Legislative Audit (Restricted/Biennial)											
	131,353	0	0	0	0	131,353	0	0	0	0	0	0
2.	Information Technology (02)											
	2,154,374	0	188,941	70,320	0	2,413,635	2,261,282	0	194,652	71,666	0	2,527,600
3.	Resource Management (05)											
	1,498,751	0	0	1,076,056	0	2,574,807	1,526,552	0	0	1,080,489	0	2,607,041
4.	Customer Service and Information Practices (06)											
	4,273,801	228,844	1,032,135	234,975	0	5,769,755	4,295,041	232,754	1,042,210	225,791	0	5,795,796
	a. Unclaimed Property Auditor (OTO)											
	0	43,931	0	0	0	43,931	0	44,098	0	0	0	44,098
5.	Compliance Valuation and Resolution (08)											
	72,304,369	182,827	1,062,274	0	0	73,549,470	72,379,065	183,153	1,113,740	0	0	73,675,958

Total												
	82,678,530	455,902	2,284,150	1,411,419	0	86,830,001	82,788,871	460,005	2,350,602	1,408,589	0	87,008,067

Liquor division proprietary funds necessary to maintain adequate inventories, pay freight charges, and transfer profit and taxes to appropriate accounts are appropriated to the department in amounts not to exceed \$64,200,950 in fiscal year 2002 and \$67,857,880 in fiscal year 2003.

Item 3 includes a reduction of \$9,538 in fiscal year 2002 and \$9,571 in fiscal year 2003 of proprietary fund money. Item 5 includes a reduction of \$215,326 of general fund money, \$3,269 of state special revenue, and \$16,737 of federal special revenue in fiscal year 2002 and \$216,071 of general fund money, \$3,280 of state special revenue, and \$16,795 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 6.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Item 5 includes a reduction in general fund money of \$126,505 in fiscal year 2002 and \$126,505 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

DEPARTMENT OF ADMINISTRATION (6101)

1.	Accounting and Management Support Program (03)											
	1,060,713	5,057	63,978	41,053	0	1,170,801	1,067,214	5,057	62,113	41,224	0	1,175,608
	a.	Legislative Audit (Restricted/Biennial)										
	52,052	0	0	0	0	52,052	0	0	0	0	0	0
	b.	Actuarial Study -- Police Retirement Fund (Restricted/Biennial)										
	2,450	0	0	0	0	2,450	0	0	0	0	0	0
	c.	Accounting Bureau Contracted Services (Biennial/OTO)										
	100,000	0	0	0	0	100,000	0	0	0	0	0	0
2.	Architecture and Engineering Program (04)											
	0	1,137,381	0	0	0	1,137,381	0	1,147,185	0	0	0	1,147,185
	a.	Legislative Audit (Restricted/Biennial)										
	0	1,635	0	0	0	1,635	0	0	0	0	0	0
3.	Procurement and Printing Division (06)											
	515,636	0	0	0	0	515,636	518,391	0	0	0	0	518,391
4.	Information Services Division (07)											
	127,593	0	800,000	0	0	927,593	126,588	0	0	0	0	126,588
	a.	Legislative Audit (Restricted/Biennial)										
	794	0	0	0	0	794	0	0	0	0	0	0
5.	General Services Program (08)											
	394,409	0	0	0	933,055	1,327,464	401,439	0	0	0	933,055	1,334,494
6.	State Personnel Division (23)											
	1,091,660	19,492	0	0	0	1,111,152	1,094,083	20,268	0	0	0	1,114,351
7.	State Tax Appeal Board (37)											
	331,529	0	0	0	0	331,529	333,322	0	0	0	0	333,322
<hr/>												
Total	3,676,836	1,163,565	863,978	41,053	933,055	6,678,487	3,541,037	1,172,510	62,113	41,224	933,055	5,749,939

For the data network rate, all increases over a rate of \$64.59 are one time only. The executive must use \$64.59 as the base level and justify all increases requested for the 2005 biennium over this level.

Item 1 includes a reduction in general fund money of \$12,772 in fiscal year 2002 and \$12,772 in fiscal year 2003. This reduction is the equivalent of a 25%

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$337 in fiscal year 2002 and \$338 in fiscal year 2003 of federal special revenue. Item 6 includes a reduction of \$21,490 of general fund money and \$7,108 of state special revenue in fiscal year 2002 and \$21,564 of general fund money and \$7,132 of state special revenue in fiscal year 2003. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

APPELLATE DEFENDER COMMISSION (6102)

1. Appellate Defender (01)

0	177,438	0	0	0	177,438	0	178,767	0	0	0	178,767
<hr/>											
Total	0	177,438	0	0	0	177,438	0	178,767	0	0	178,767

TOTAL SECTION A

107,139,828	183,540,664	320,354,722	1,452,472	933,055	613,420,741	106,858,821	184,208,470	328,306,412	1,449,813	933,055	621,756,571
-------------	-------------	-------------	-----------	---------	-------------	-------------	-------------	-------------	-----------	---------	-------------

B. HEALTH AND HUMAN SERVICES

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (6901)

1. Public Assistance (02)

17,887,271	3,357,733	132,537,828	0	0	153,782,832	18,034,422	3,377,316	135,860,524	0	0	157,272,262
a.	FAIM II R -- Parents as Scholars (Biennial)										
0	0	1,344,800	0	0	1,344,800	0	0	0	0	0	0
b.	FAIM II R -- Tribal Projects (Restricted/Biennial)										
0	0	2,014,950	0	0	2,014,950	0	0	0	0	0	0
c.	FAIM II R -- Tribal NEW (Biennial)										
0	0	1,150,744	0	0	1,150,744	0	0	1,150,744	0	0	1,150,744
d.	FAIM II R -- Nontraditional Job Training (Biennial)										
0	0	850,000	0	0	850,000	0	0	0	0	0	0
e.	FAIM II R --Nontraditional Job Training -- Tribal (Restricted/Biennial)										
0	0	1,000,000	0	0	1,000,000	0	0	0	0	0	0
f.	FAIM II R -- Nontraditional Job Training -- Nontribal (Biennial)										
0	0	500,000	0	0	500,000	0	0	0	0	0	0
g.	FAIM II R -- Assessment Services -- Intensive Case Management (Biennial)										

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	0	0	1,104,155	0	0	1,104,155	0	0	1,104,155	0	0	1,104,155
h.			FAIM II R -- Chemical Dependency Home (Biennial)									
	0	0	636,000	0	0	636,000	0	0	0	0	0	0
i.			FAIM II R -- Learning Disability Services OPI/Tribal Colleges (Biennial)									
	0	0	600,000	0	0	600,000	0	0	0	0	0	0
j.			FAIM II R -- Mental Health Services (Biennial)									
	0	0	500,000	0	0	500,000	0	0	0	0	0	0
k.			FAIM II R -- Family Drug Court (Biennial)									
	0	0	400,000	0	0	400,000	0	0	0	0	0	0
l.			FAIM II R -- Low-Income Housing (Biennial)									
	0	0	3,500,000	0	0	3,500,000	0	0	0	0	0	0
m.			FAIM II R -- Transportation (Biennial)									
	0	0	800,000	0	0	800,000	0	0	0	0	0	0
n.			FAIM II R -- Additional Month Grant for Working Families (Biennial)									
	0	0	1,241,550	0	0	1,241,550	0	0	1,241,550	0	0	1,241,550
o.			FAIM II R -- Emergency Supportive Services for Working Families (Biennial)									
	0	0	1,036,000	0	0	1,036,000	0	0	282,627	0	0	282,627
p.			FAIM II R -- School Breakfast Program (Biennial)									
	0	0	180,000	0	0	180,000	0	0	0	0	0	0
q.			FAIM II R -- Individual Development Accounts (Biennial)									
	0	0	140,161	0	0	140,161	0	0	140,161	0	0	140,161
r.			FAIM II R -- Children as Scholars (Head Start) (Biennial)									
	0	0	3,000,000	0	0	3,000,000	0	0	0	0	0	0
s.			FAIM II R -- TEAMS Reprocurement/Enhancements (Biennial)									
	0	0	1,000,000	0	0	1,000,000	0	0	500,000	0	0	500,000
t.			FAIM II R -- Increased Benefits/Assistance (Biennial)									
	0	0	3,098,704	0	0	3,098,704	0	0	2,848,704	0	0	2,848,704
u.			High-Wage, High-Skill Training (Restricted/Biennial)									
	0	0	500,000	0	0	500,000	0	0	0	0	0	0
v.			Adult Basic Education (Restricted)									
	0	0	195,000	0	0	195,000	0	0	195,000	0	0	195,000
2.			Child and Family Services Division (03)									
	18,099,081	3,442,032	23,925,700	0	0	45,466,813	19,263,815	3,471,984	24,078,980	0	0	46,814,779
a.			Computer Hardware (OTO)									

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	49,800	0	33,200	0	0	83,000	123,504	0	82,336	0	0	205,840
	b.	Community Collaboration Project and FTE (Biennial/OTO)										
	25,000	0	3,025,000	0	0	3,050,000	25,000	0	25,000	0	0	50,000
	c.	Big Brothers Big Sisters (OTO)										
	25,000	0	0	0	0	25,000	25,000	0	0	0	0	25,000
3.	Director's Office (04)											
	575,820	1,304,290	794,116	0	0	2,674,226	579,713	1,366,683	799,078	0	0	2,745,474
4.	Child Support Enforcement Division (05)											
	225,000	2,666,222	5,986,365	0	0	8,877,587	225,000	2,680,929	6,015,763	0	0	8,921,692
	a.	Voice Response Unit Enhancements (OTO)										
	0	10,200	19,800	0	0	30,000	0	0	0	0	0	0
	b.	SEARCHS -- Level of Effort Increase (Biennial/OTO)										
	0	209,104	405,908	0	0	615,012	0	0	0	0	0	0
	c.	Financial Institutions Data Match (Restricted)										
	0	51,000	99,000	0	0	150,000	0	51,000	99,000	0	0	150,000
	d.	Cost Study -- Raising a Child in Montana (Restricted/OTO)										
	0	8,621	113,793	0	0	122,414	0	0	0	0	0	0
5.	Health Policy and Services Division (07)											
	57,483,855	13,905,743	232,273,781	0	0	303,663,379	61,672,929	14,642,885	247,344,430	0	0	323,660,244
	a.	Assistance to Montanans Exposed to Asbestos (Restricted/OTO)										
	18,500	0	0	0	0	18,500	18,500	0	0	0	0	18,500
	b.	Medicaid Provider Rate Increases (RBRVS)										
	252,524	0	678,614	0	0	931,138	506,681	0	1,371,305	0	0	1,877,986
	c.	Cardiovascular Grant										
	0	0	260,902	0	0	260,902	0	0	237,768	0	0	237,768
	d.	Eliminate Medicaid Assets Test										
	327,780	0	880,848	0	0	1,208,628	570,516	0	1,544,072	0	0	2,114,588
	e.	Fiber Optic Rural TeleHealth Equipment (Restricted/Biennial/OTO)										
	200,000	0	0	0	0	200,000	0	0	0	0	0	0
6.	Quality Assurance Division (08)											
	1,804,114	423,981	4,957,197	0	0	7,185,292	1,815,086	415,382	4,980,608	0	0	7,211,076
	a.	Contracted Licensure Services (OTO)										
	58,737	0	0	0	0	58,737	58,862	0	0	0	0	58,862
7.	Operations and Technology Division (09)											



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

10,246,727	2,426,359	15,480,038	0	0	28,153,124	9,980,870	3,022,857	15,914,677	0	0	28,918,404
a.	Legislative Audit (Restricted/Biennial)										
154,465	37,800	151,200	0	0	343,465	0	0	0	0	0	0
8.	Disability Services Division (10)										
42,883,179	97,354	54,166,284	0	0	97,146,817	44,540,940	97,354	55,970,993	0	0	100,609,287
a.	Developmental Disabilities Program Federal Funds (Biennial)										
0	0	4,000,000	0	0	4,000,000	0	0	0	0	0	0
b.	Movement From Institutions to Community Settings (OTO)										
1,400,277	0	0	0	0	1,400,277	1,400,224	0	0	0	0	1,400,224
9.	Senior and Long-Term Care Division (22)										
44,035,794	6,265,504	135,666,053	0	0	185,967,351	45,575,083	7,142,437	142,244,588	0	0	194,962,108
a.	One-Time Payments to Nursing Homes for Medicaid Services										
0	1,350,000	3,627,876	0	0	4,977,876	0	1,625,000	4,397,980	0	0	6,022,980
b.	Nursing Home and Community Services Improvements (OTO)										
0	162,720	437,280	0	0	600,000	0	161,880	438,120	0	0	600,000
c.	Personal Assistant Wage Increases										
311,931	0	838,256	0	0	1,150,187	548,676	0	1,484,964	0	0	2,033,640
d.	Additional Federal Special Revenue										
0	0	1,000,000	0	0	1,000,000	0	0	1,000,000	0	0	1,000,000
10.	Addictive and Mental Disorders Division (33)										
49,330,595	6,152,612	70,203,669	0	0	125,686,876	51,070,016	6,590,808	74,984,631	0	0	132,645,455
a.	Community Incentive/State Hospital (Restricted/Biennial/OTO)										
1,196,553	0	0	0	0	1,196,553	1,196,553	0	0	0	0	1,196,553
b.	Basic Mental Health Services for Children (Restricted)										
647,952	0	0	0	0	647,952	671,928	0	0	0	0	671,928
c.	Regional Mental Health System Planning (Restricted/Biennial)										
208,531	0	278,041	0	0	486,572	208,530	0	278,040	0	0	486,570
d.	Olmstead Planning/Implementation (Restricted)										
0	0	20,000	0	0	20,000	0	0	20,000	0	0	20,000
e.	Intergovernmental Transfer -- Mental Health Services										
0	106,155	285,273	0	0	391,428	0	108,564	293,824	0	0	402,388
f.	Intergovernmental Transfer -- Chemical Dependency (Biennial)										
0	250,000	671,829	0	0	921,829	0	257,000	695,557	0	0	952,557
g.	Law Enforcement/Judicial Training -- Mental Illness (Restricted)										

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

42,219	0	25,332	0	0	67,551	42,324	0	25,395	0	0	67,719
h.	Federal Community Incentive Grant -- Chemical Dependency (OTO)										
0	0	3,594,483	0	0	3,594,483	0	0	3,594,483	0	0	3,594,483
<hr/>											
Total	247,490,705	42,227,430	721,229,730	0	0	1,010,947,865	258,154,172	45,012,079	731,245,057	0	01,034,411,308

The department shall report to the legislative finance committee and the children, families, health, and human services interim committee at every meeting of each committee:

- (1) the actual amount of federal temporary assistance for needy families (TANF) block grant funds expended in the current biennium;
- (2) the actual amount of TANF block grant maintenance of effort funds that have been expended in the current biennium;
- (3) the balance of previous fiscal years' TANF block grant funds that remain unexpended; and
- (4) the balance of the current fiscal year federal TANF block grant funds that remain unexpended.

The department shall use unexpended previous year federal TANF block grant funds to provide benefits and services that meet the federal definition of assistance. Current year federal TANF block grant funds must be used to fund benefits and services that meet the federal definition of assistance only after all available previous years' federal TANF block grant funds have been expended.

If the TANF block grant funds report given at the March 2002 legislative finance committee meeting indicates that there are FAIM phase II R dollars unexpended and no plan is in place to expend the remaining dollars, there is appropriated up to \$1.5 million of these unexpended funds for the summer youth employment program in the 2003 biennium.

Funds included in items 1b and 1e may be used only to fund tribal projects and to provide nontraditional job training to enrolled members of the seven Montana tribes and to the Little Shell band of Chippewa if the Little Shell band of Chippewa becomes a federally recognized tribe.

The department shall transfer funds in item 1l to the Montana board of housing revolving loan account to fund eligible activities under the federal TANF block grant. The timing and amount of the transfer must comply with federal regulations governing the expenditure and transfer of TANF funds.

Funds included in item 1u may be used only to develop programs for high-wage and high-skill training for single parents, persons who are economically disadvantaged, and displaced homemakers.

Funds included in item 1v may be used only to provide adult basic education services.

Funds included in item 4c may be used only to support costs for the completion of a financial institution data match.

Funds included in item 4d may be used only to support the costs incurred to complete a study of the costs of raising a child in Montana.

Item 5a must be spent on services to assist Montanans who have been exposed to asbestos. Funds in item 5a may not be expended for any other purpose.

Implementation of the resource-based relative value scale (RBRVS) provider rate system must continue to be phased in over the 2003 biennium. The department shall use funds in item 5b to raise rates paid to those current procedural terminology (CPT) codes paid the lowest percentage of medicare reimbursement that were restricted to 145% of the level of the state fiscal year 1997 reimbursement in state fiscal year 1999. The department may not change reimbursement for CPT codes, which were paid at 80% of the level of the state fiscal year 1997 reimbursement in state fiscal year 1999.

Item 5c includes funds for 3.5 FTE. Funds for the FTE may not be included in the adjusted base budget for the 2005 biennium unless federal funds or private revenue is available to fund the position.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Funds in item 5e may be used only to purchase equipment to transmit or to facilitate the transmission of medical images and x-rays from rural hospitals to medical specialists. The funds may be granted only to rural hospitals or groups of rural hospitals to purchase the equipment.

The department shall provide to the legislative finance committee each year of the biennium an analysis of the number of medicaid hospital projects completed and associated cost savings because of funding for claims adjudication specialists as approved by the 2001 legislature.

Item 7 includes a reduction in general fund money of \$266,059 in fiscal year 2002 and \$266,059 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 7 includes a reduction of \$542,660 of general fund money, \$135,089 of state special revenue, and \$369,453 of federal special revenue in fiscal year 2002 and \$544,550 of general fund money, \$135,560 of state special revenue, and \$370,740 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 28 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The developmental disability program is directed to use existing general fund appropriations within the developmental disabilities program budget to refinance services, if possible. General fund money made available through refinancing efforts may be used to:

- (1) reduce the developmental disability program waiting list;
- (2) improve wages paid by community providers to direct care workers;
- (3) provide a provider rate increase to community services providers; and
- (4) fund existing plans of care for individuals waiting for residential services.

The developmental disabilities program will report to the legislative fiscal division semiannually in January and July:

- (1) the amount of general fund money that was made available through refinancing efforts;
- (2) the amount, scope, and nature of services provided by funds made available through refinancing;
- (3) the number of consumers, providers, and direct care worker staff benefiting from initiatives funded through refinancing efforts; and
- (4) the amount of additional state special and federal funds obtained through refinancing efforts.

Item 8 includes \$3,098,317 in general fund money and \$2,997,541 in federal funds to begin equalization of wages paid to direct care workers employed by developmental disability community providers with direct care worker wages paid to employees at Eastmont human services center and the Montana developmental center.

Included in item 8b is general fund money of \$1,400,277 in fiscal year 2002 and \$1,400,224 in fiscal year 2003. This funding is one time only. The disability services division is directed to use this funding to move at least 32 individuals from institutional settings to community settings. The combined population at the two institutions (Eastmont human services center and Montana developmental center) may not exceed 88 individuals at the end of the 2003 biennium. If the disability services division has a population of more than 88 individuals at the two institutions at the end of the 2003 biennium, the division shall certify that a community residential setting was not available for the individuals remaining in the two institutions.

Funds in item 9a may be used only to make one-time payments to nursing homes based on the number of medicaid services provided. State special revenue in item 9a may be expended only after the office of budget and program planning has certified that the department has received \$2 million each year from counties participating in the intergovernmental transfer program for nursing homes.

The department shall distribute funds in item 9c in a way that provides reasonable assurance that the funds are used solely for direct care wage and benefit

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

increases. Not all providers or types of direct care workers must receive the same rate increase for the biennium. Funds appropriated in item 9c may be used only for direct care worker wage increases. Funds in item 9c may not be used to fund other programs. In the event that the department finds it necessary to institute program reductions, it is the intent of the legislature that funds in item 9c be the last item eliminated.

The senior and long-term care division is authorized to pursue up to \$2 million in federal special revenue in item 9d over the biennium to enhance or improve division services or programs. This additional federal special revenue may be expended by the division on services as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated for the 2003 biennium by the legislature to the division in [this act].

The department shall post on the senior and long-term care division website the staffing levels provided in Montana nursing facilities.

The department shall require that area agencies on aging provide a written assessment of the need for increased funding in their nutrition programs prior to expending the additional Title III of the Older Americans Act of 1965 grant funds appropriated in [this act].

The appropriation in item 10 is contingent on the department developing a management plan to:

(1) ensure that the department staff tracking the census of residential treatment of children in Montana communicate in-state service availability to appropriate staff; and

(2) negotiate or issue requests for proposals in compliance with 52-2-306 and 52-2-307 for placement of children with in-state providers in lieu of placing the child in out-of-state treatment. The department shall submit the plan to the children, families, health, and human services interim committee and the legislative finance committee by July 1, 2001.

Item 10 is contingent on the department maintaining \$3,539,842 of federal block grant contracts to state-approved chemical dependency programs for treatment and rehabilitation each year of the 2003 biennium.

Funds in item 10a must be used to fund services at Montana state hospital or community services for persons who are eligible for services at Montana state hospital. The funds may not be used for any other purpose.

Funds in item 10b must be used to fund mental health services for low-income children. Funds in item 10b may not be used for any other purpose or transferred to any other program.

Funds in item 10d must be used to contract with the Montana consensus council.

Funds in item 10e must be used to pay one-time grants to county-funded mental health medicaid service providers. Funds in item 10e may not be used for any other purpose or transferred to any other program.

Funds in item 10g must be used for:

(1) activities related to training and educating law enforcement personnel, judicial personnel, and persons instrumental to the commitment process in recognizing serious mental illness and appropriate approaches to and treatment for persons who exhibit symptoms of mental illness; and

(2) development of screening tools to help identify whether a person may be mentally ill.

---

TOTAL SECTION B

247,490,705	42,227,430	721,229,730	0	0	1,010,947,865	258,154,172	45,012,079	731,245,057	0	01,034,411,308
-------------	------------	-------------	---	---	---------------	-------------	------------	-------------	---	----------------

C. NATURAL RESOURCES AND COMMERCE

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)

1.	Administration and Finance Division (01)											
	0	5,667,680	1,199,741	0	0	6,867,421	0	5,694,298	1,196,547	0	0	6,890,845
a.	Legislative Audit (Restricted/Biennial)											
	0	62,028	10,946	0	0	72,974	0	0	0	0	0	0
b.	Legislative Contract Authority (Restricted/OTO)											
	0	0	75,000	0	0	75,000	0	0	75,000	0	0	75,000
2.	Field Services Division (02)											
	0	6,601,562	724,700	0	0	7,326,262	0	6,651,474	729,488	0	0	7,380,962
a.	Public Wildlife Interface (Biennial)											
	0	65,000	0	0	0	65,000	0	0	0	0	0	0
b.	Legislative Contract Authority (Restricted/OTO)											
	0	0	60,000	0	0	60,000	0	0	60,000	0	0	60,000
3.	Fisheries Division (03)											
	0	3,314,986	3,786,792	0	0	7,101,778	0	3,338,044	3,799,927	0	0	7,137,971
a.	Fishing Access Assistance (Restricted/OTO)											
	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
b.	Recreation Conflict Coordinator (OTO)											
	0	15,874	37,039	0	0	52,913	0	15,874	37,039	0	0	52,913
c.	Legislative Contract Authority (Restricted/OTO)											
	0	0	1,851,019	0	0	1,851,019	0	0	1,851,019	0	0	1,851,019
4.	Law Enforcement Division (04)											
	101,341	5,881,819	277,002	0	0	6,260,162	101,337	5,956,481	280,150	0	0	6,337,968
a.	Alternative Livestock Environmental Review (Biennial/OTO)											
	0	96,000	0	0	0	96,000	0	0	0	0	0	0
b.	Legislative Contract Authority (Restricted/OTO)											
	0	0	10,000	0	0	10,000	0	0	10,000	0	0	10,000
5.	Wildlife Division (05)											
	0	3,641,942	3,432,582	0	0	7,074,524	0	3,682,843	3,434,308	0	0	7,117,151
a.	Mountain Lion Research (Restricted/OTO)											
	0	38,992	116,978	0	0	155,970	0	38,992	116,978	0	0	155,970
b.	Black Bear Research (OTO)											
	0	14,830	44,490	0	0	59,320	0	14,830	44,490	0	0	59,320
c.	Sage Grouse Monitoring (OTO)											

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	0	22,500	67,500	0	0	90,000	0	22,500	67,500	0	0	90,000
	d.	Legislative Contract Authority (Restricted/OTO)										
	0	0	533,798	0	0	533,798	0	0	533,798	0	0	533,798
6.	Parks Division (06)											
	279,256	4,362,592	177,122	0	0	4,818,970	279,255	4,408,016	176,869	0	0	4,864,140
	a.	Motorboat Site Maintenance (Restricted)										
	0	11,000	40,000	0	0	51,000	0	11,000	40,000	0	0	51,000
	b.	Snowmobile Equipment (Biennial)										
	0	298,000	0	0	0	298,000	0	0	0	0	0	0
	c.	Continue Chief Plenty Coups (Restricted/Biennial/OTO)										
	0	214,155	0	0	0	214,155	0	0	0	0	0	0
	d.	Legislative Contract Authority (Restricted/OTO)										
	0	0	50,000	0	0	50,000	0	0	50,000	0	0	50,000
7.	Conservation Education Division (08)											
	2,562	1,699,295	499,481	0	0	2,201,338	2,562	1,711,770	499,472	0	0	2,213,804
	a.	Aquatic Education/Family Fishing (Restricted)										
	0	0	200,000	0	0	200,000	0	0	200,000	0	0	200,000
	b.	Shooting Range Grants (Biennial)										
	0	120,000	0	0	0	120,000	0	0	0	0	0	0
	c.	Shooting Range Grants Enhancement (Biennial/OTO)										
	0	60,000	0	0	0	60,000	0	0	0	0	0	0
	d.	Legislative Contract Authority (Restricted/OTO)										
	0	0	35,000	0	0	35,000	0	0	35,000	0	0	35,000
8.	Department Management (09)											
	0	2,586,380	882,199	0	0	3,468,579	0	2,595,545	880,521	0	0	3,476,066
	a.	Office Maintenance and Small Equipment (Restricted/OTO)										
	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
	b.	Cadastral Database (Restricted)										
	0	9,000	0	0	0	9,000	0	9,000	0	0	0	9,000
	c.	Native Species Conservation (Restricted/OTO)										
	0	0	511,427	0	0	511,427	0	0	511,427	0	0	511,427
	d.	Hunting and Fishing License Research (Restricted/OTO)										
	0	15,000	0	0	0	15,000	0	10,000	0	0	0	10,000
	e.	Legislative Contract Authority (Restricted/OTO)										

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	0	0	200,000	0	0	200,000	0	0	200,000	0	0	200,000
Total	383,159	34,848,635	14,822,816	0	0	50,054,610	383,154	34,210,667	14,829,533	0	0	49,423,354

The appropriations for legislative contract authority are subject to all of the following provisions:

(1) Legislative contract authority applies only to federal funds.

(2) Legislative contract authority expenditures must be reported on the state's accounting system, and the records must be separate from present law operations. In preparing the 2005 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

(3) A report must be submitted by the department to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a list of projects with the related amount of expenditures and FTE for each project.

The department is to report to the natural resources and commerce appropriations subcommittee on the projects funded with federal Sikes Act money and state matching money. The report is to include an analysis of the viability for continuance of the program and a list of projects funded with the money.

If the department is required to adjust personal services expenditure costs between state and federal accounts, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

The department shall determine and quantify any efficiencies generated as a result of incorporating the Smith River drawing process into the automated license system and report its findings to the 2003 legislature.

Item 1b legislative contract authority (LCA) is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 2b LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 3 includes \$19,726 in state special revenue funds each fiscal year and \$59,178 in federal special revenue funds each fiscal year that are restricted to equipment purchases in the fisheries division and payouts of leave accruals because of retirements in the fisheries division.

If House Bill No. 292 is passed and approved, item 3a is void.

Item 3c LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 4 includes a reduction in general fund money of \$18,339 in fiscal year 2002 and \$18,339 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 4a contains a biennial appropriation of \$96,000 for game farm environmental assessment/environmental impact statements.

Item 4b LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Item 5a is a restricted and one-time-only appropriation for mountain lion research.

Item 5d LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 6 includes a reduction of \$224 of general fund money, \$156,407 of state special revenue, and \$67,792 of federal special revenue in fiscal year 2002 and \$225 of general fund money, \$156,952 of state special revenue, and \$68,027 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 6 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 6a is a restricted appropriation for motorboat site maintenance.

Item 6b includes a biennial appropriation of \$298,000 for snowmobile equipment.

The department may expend from the appropriation in item 6c no more than one-half of the unspent 2001 biennium appropriation made for this purpose. It is the intent of the legislature for the department to use any funds reverted from the 2001 biennium for the purpose of carrying out various maintenance and construction projects described in the management plan for Chief Plenty Coups state park. Further, the department may pursue up to \$214,155 of lodging facility use tax funds appropriated to the department for state park maintenance in addition to the \$214,155 appropriated in [this act] for purposes of completing the maintenance and construction projects at Chief Plenty Coups state park. The department shall develop a tracking and reporting method for amounts spent from the lodging facility use tax for this purpose. The department shall report to the legislative finance committee at its June 2002 (or nearest) meeting on factors such as projects completed, dollars spent, and a timeline for completion of the remainder of the projects.

Item 6d LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 7a is a restricted appropriation for aquatic education program/family fishing.

Item 7b is a biennial appropriation of \$120,000 for shooting range grants.

Item 7c is a biennial and one-time-only appropriation of \$60,000 for shooting range grants enhancement.

Item 7d LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

Item 8 includes a total of \$138,780 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Item 8b is a restricted appropriation for the cadastral database.

Item 8e LCA is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds.

DEPARTMENT OF ENVIRONMENTAL QUALITY (5301)

1. Central Management Program (10)

16,918	0	3,381	0	0	20,299	16,926	0	3,381	0	0	20,307
a.	Database Development (Restricted/Biennial/OTO)										
150,000	0	0	0	0	150,000	0	0	0	0	0	0
b.	Legal Challenges (Biennial/OTO)										



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	150,000	0	0	0	0	150,000	0	0	0	0	0	0
2.	Planning, Prevention, and Assistance Division (20)											
	2,152,158	1,063,532	8,703,501	0	0	11,919,191	2,143,601	1,058,511	8,637,953	0	0	11,840,065
	a.	Technical Assistance to Tribal Air Quality (OTO)										
	0	0	108,464	0	0	108,464	0	0	103,772	0	0	103,772
	b.	Particulate Matter (2.5) Monitoring (Restricted)										
	0	0	250,784	0	0	250,784	0	0	249,099	0	0	249,099
	c.	One-Stop Grant for Database (Biennial/OTO)										
	0	0	450,000	0	0	450,000	0	0	0	0	0	0
3.	Enforcement Division (30)											
	537,756	179,012	372,895	0	0	1,089,663	525,799	180,035	374,997	0	0	1,080,831
4.	Remediation Division (40)											
	0	3,212,735	7,164,215	0	0	10,376,950	0	3,244,983	7,173,433	0	0	10,418,416
	a.	Enterprise Database Development (OTO)										
	0	200,000	0	0	0	200,000	0	25,000	0	0	0	25,000
	b.	Cleanup/Lockwood Solvent (Biennial)										
	0	0	580,450	0	0	580,450	0	0	513,208	0	0	513,208
	c.	Contracted Services -- Legal Support (Restricted/Biennial/OTO)										
	0	150,000	0	0	0	150,000	0	0	0	0	0	0
	d.	Leaking Underground Storage Tank Trust -- Truck Replacement (OTO)										
	0	3,000	27,000	0	0	30,000	0	0	0	0	0	0
	e.	Orphan Share Reimbursement (Restricted/Biennial/OTO)										
	0	3,500,000	0	0	0	3,500,000	0	0	0	0	0	0
	f.	Aboveground Storage Tank Survey (Restricted/OTO)										
	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
	g.	Petroleum Tank Release Compensation Board Fund Liability Study (Restricted/OTO)										
	0	75,000	0	0	0	75,000	0	0	0	0	0	0
	h.	Database Development (Restricted/OTO)										
	0	18,306	34,294	0	0	52,600	0	18,306	34,294	0	0	52,600
	i.	Leaking Underground Storage Tank Trust Contracted Services (Restricted/OTO)										
	0	30,000	270,000	0	0	300,000	0	30,000	270,000	0	0	300,000
5.	Permitting and Compliance Division (50)											
	1,203,624	8,220,687	3,658,575	0	0	13,082,886	1,170,941	8,280,854	3,643,607	0	0	13,095,402
	a.	Junk Vehicle Database Conversion (Restricted/OTO)										

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	0	60,000	0	0	0	60,000	0	18,000	0	0	0	18,000
b.		Asbestos Compliance (Restricted/OTO)										
28,300		56,700	0	0	0	85,000	28,300	56,700	0	0	0	85,000
c.		Hazardous Waste Contract Service (Restricted/Biennial/OTO)										
0		150,000	0	0	0	150,000	0	0	0	0	0	0
d.		Bond Forfeitures (Restricted/Biennial)										
0	30,500,000		0	0	0	30,500,000	0	0	0	0	0	0
e.		Montana Environmental Policy Act Projects (Restricted/Biennial)										
0	1,000,000		0	0	0	1,000,000	0	0	0	0	0	0
f.		Hard-Rock Federal Funds (Restricted/Biennial/OTO)										
0	0	3,000,000		0	0	3,000,000	0	0	0	0	0	0
g.		Mining Fees (Restricted/Biennial/OTO)										
0	50,000		0	0	0	50,000	0	0	0	0	0	0
h.		Major Facility Siting Act Projects (Restricted/Biennial/OTO)										
0	300,000		0	0	0	300,000	0	0	0	0	0	0
i.		Abandoned Vehicle Operating Costs (Restricted/OTO)										
0	172,230		0	0	0	172,230	0	172,230	0	0	0	172,230
j.		Public Water Supply Equipment (Restricted/OTO)										
0	15,000		0	0	0	15,000	0	15,000	0	0	0	15,000
k.		Hard-Rock Equipment (Restricted/OTO)										
0	8,990		0	0	0	8,990	0	0	0	0	0	0
l.		Solid Waste Database Conversion (OTO)										
50,000	50,000		0	0	0	100,000	15,000	15,000	0	0	0	30,000
<hr/>												
Total	4,288,756	49,040,192	24,623,559	0	0	77,952,507	3,900,567	13,139,619	21,003,744	0	0	38,043,930

Items 2, 4, and 5 include a total of \$177,855 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Item 5 includes a reduction in general fund money of \$21,618 in fiscal year 2002 and \$21,618 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 5 includes a reduction of \$21,608 of general fund money, \$61,464 of state special revenue, and \$58,063 of federal special revenue in fiscal year 2002 and \$21,683 of general fund money, \$61,677 of state special revenue, and \$58,264 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

for 3.75 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The department is authorized to decrease federal special revenue in the pollution control and the drinking water revolving fund loan programs and increase state special revenue by a like amount within the special administration account.

DEPARTMENT OF LIVESTOCK (5603)

1.	Centralized Services Program (01)											
	14,546	977,632	111,514	0	0	1,103,692	17,136	1,002,556	82,511	0	0	1,102,203
	a. Legislative Audit (Restricted/Biennial)											
	2,724	26,563	4,768	0	0	34,055	0	0	0	0	0	0
	b. Laboratory Information System Equipment/Installation (OTO)											
	0	96,200	10,000	0	0	106,200	0	0	0	0	0	0
2.	Diagnostic Laboratory Program (03)											
	183,209	1,194,465	11,115	0	0	1,388,789	183,225	1,212,404	17,371	0	0	1,413,000
3.	Animal Health Program (04)											
	0	680,445	0	0	0	680,445	0	710,510	0	0	0	710,510
	a. Bison Federal Cooperative Agreement (Restricted/OTO)											
	0	0	651,310	0	0	651,310	0	0	651,310	0	0	651,310
	b. Disease Outbreak (Restricted/OTO)											
	0	177,823	0	0	0	177,823	0	177,823	0	0	0	177,823
	c. Greater Yellowstone Interagency Brucellosis Committee (Restricted/OTO)											
	0	0	127,600	0	0	127,600	0	0	143,211	0	0	143,211
4.	Milk and Egg Program (05)											
	0	242,143	24,758	0	0	266,901	0	246,775	24,762	0	0	271,537
5.	Inspection and Control Program (06)											
	0	2,608,699	39,244	0	0	2,647,943	0	2,594,838	39,381	0	0	2,634,219
	a. Brand Rerecord (Restricted/OTO)											
	0	45,654	0	0	0	45,654	0	0	0	0	0	0
6.	Predator Control Program (08)											
	0	435,235	0	0	0	435,235	0	442,718	0	0	0	442,718
7.	Meat and Poultry Inspection Program (10)											
	395,716	1,756	397,475	0	0	794,947	400,683	1,756	402,441	0	0	804,880
8.	Milk Control Bureau (37)											
	0	186,643	0	0	0	186,643	0	186,501	0	0	0	186,501

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Total											
596,195	6,673,258	1,377,784	0	0	8,647,237	601,044	6,575,881	1,360,987	0	0	8,537,912
The department shall record separately all personal services, operating expenses, equipment, and capital expenditures related to bison control for all programs in which any resources are expended for that purpose on the state accounting, budgeting, and human resources system in a manner so that those expenditures may be readily derived and shall create a summary report. The department shall provide an annual report by program to the legislative fiscal analyst and the office of budget and program planning of all expenditures related to bison control.											
Item 1 includes a reduction of \$4,398 of general fund money, \$49,328 of state special revenue, and \$4,143 of federal special revenue in fiscal year 2002 and \$4,413 of general fund money, \$49,495 of state special revenue, and \$4,157 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 1.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.											
Item 2 includes a reduction in general fund money of \$7,806 in fiscal year 2002 and \$7,806 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.											
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)											
1.	Centralized Services (21)										
	1,491,387	354,007	96,230	0	0	1,941,624	1,502,384	361,951	96,199	0	1,960,534
	a.	Legislative Audit (Restricted/Biennial)									
		80,272	0	0	0	80,272	0	0	0	0	0
	b.	Missoula Office Rewiring (Restricted/OTO)									
		0	0	25,750	0	25,750	0	0	0	0	0
2.	Oil and Gas Conservation Division (22)										
		0	1,131,563	0	0	1,131,563	0	1,142,434	0	0	1,142,434
	a.	Operating Adjustments (OTO)									
		0	84,243	0	0	84,243	0	89,708	0	0	89,708
3.	Conservation and Resource Development Division (23)										
		1,822,370	1,497,854	161,651	0	3,481,875	1,741,099	1,584,972	161,651	0	3,487,722
	a.	Agriculture Heritage (Biennial/OTO)									
		305,000	0	0	0	305,000	95,000	0	0	0	95,000
	b.	Irrigation Assistance (OTO)									
		150,000	0	0	0	150,000	150,000	0	0	0	150,000
	c.	Dry Prairie Rural Water Project (OTO)									
		0	99,720	0	0	99,720	0	99,720	0	0	99,720
	d.	North Central Montana Regional Water Authority (OTO)									
		125,000	0	0	0	125,000	125,000	0	0	0	125,000
	e.	Eastern Plains Resource Conservation and Development (OTO)									

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
f.	Gallatin Resource Conservation and Development (OTO)											
15,000	0	0	0	0	0	15,000	15,000	0	0	0	0	15,000
g.	Sheridan County Conservation District (OTO)											
0	0	0	0	0	0	0	35,000	0	0	0	0	35,000
h.	Coal Tax Allocation to Conservation Districts (Biennial)											
0	100,000	0	0	0	0	100,000	0	0	0	0	0	0
i.	Grass Conservation Commission (Biennial)											
45,000	51,508	0	0	0	0	96,508	0	0	0	0	0	0
j.	Regional Water System Coordinator (OTO)											
0	52,054	0	0	0	0	52,054	0	52,054	0	0	0	52,054
4.	Water Resources Division (24)											
5,927,624	1,078,253	160,035	0	0	0	7,165,912	5,988,090	1,051,340	160,733	0	0	7,200,163
a.	State Water Project Rehabilitation (Restricted/Biennial/OTO)											
0	3,600,000	0	0	0	0	3,600,000	0	0	0	0	0	0
b.	Dam Safety Improvement (Restricted/OTO)											
0	0	81,845	0	0	0	81,845	0	0	82,177	0	0	82,177
c.	Water Well Litigation (Restricted)											
0	16,000	0	0	0	0	16,000	0	16,000	0	0	0	16,000
d.	Water Right Permit Verification (OTO)											
0	170,000	0	0	0	0	170,000	0	145,000	0	0	0	145,000
e.	Flood Damage Reduction (Restricted/OTO)											
0	0	169,748	0	0	0	169,748	0	0	169,786	0	0	169,786
5.	Reserved Water Rights Compact Commission (25)											
724,000	0	0	0	0	0	724,000	726,262	0	0	0	0	726,262
a.	Equipment Replacement (OTO)											
6,000	0	0	0	0	0	6,000	10,500	0	0	0	0	10,500
6.	Forestry and Trust Lands (35)											
6,052,809	10,919,855	1,055,209	0	0	0	18,027,873	6,088,257	11,030,296	1,064,587	0	0	18,183,140
a.	Fire Protection Assessment Software Rewrite (Restricted/OTO)											
79,200	40,800	0	0	0	0	120,000	0	0	0	0	0	0
b.	Federal Fire Reimbursement (Restricted)											
0	0	229,684	0	0	0	229,684	0	0	229,684	0	0	229,684
c.	Phase II/ Slash Programming (OTO)											

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

23,600	0	0	0	0	23,600	0	0	0	0	0	0
d.	Remote Weather Station (OTO)										
8,710	4,290	0	0	0	13,000	0	0	0	0	0	0
e.	Forest Health Monitoring Program (Restricted/OTO)										
0	0	78,000	0	0	78,000	0	0	78,000	0	0	78,000
f.	Forest Rehabilitation (OTO)										
0	177,500	0	0	0	177,500	0	140,500	0	0	0	140,500
g.	Replacement Equipment (OTO)										
0	15,000	0	0	0	15,000	0	17,000	0	0	0	17,000
h.	Habitat Conservation Plan (Restricted/Biennial/OTO)										
0	0	200,000	0	0	200,000	0	0	0	0	0	0
i.	Homeowner Defensible Space Audits (Biennial/OTO)										
0	0	200,000	0	0	200,000	0	0	0	0	0	0
j.	Private Forest Landowner Assistance (Restricted/Biennial/OTO)										
0	0	350,000	0	0	350,000	0	0	0	0	0	0
<hr/>											
Total	16,855,972	19,417,647	2,808,152	0	0	39,081,771	16,476,592	15,755,975	2,042,817	0	34,275,384

Item 1 includes a reduction in general fund money of \$83,468 in fiscal year 2002 and \$83,468 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$107,169 of general fund money, \$71,060 of state special revenue, and \$8,770 of federal special revenue in fiscal year 2002 and \$107,543 of general fund money, \$71,308 of state special revenue, and \$8,801 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 2 includes a total of \$98,310 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

The department is authorized to decrease state special revenue in the underground injection control program and to increase federal special revenue by a like amount when the amount of federal EPA funds available for the program becomes known. Any federal special revenue funds are to be spent before state special revenue funds.

The department is appropriated up to \$600,000 for the 2003 biennium from the state special revenue account established in 85-1-604 for the purchase of prior liens on property held as loan security as provided in 85-1-618.

During the 2003 biennium, up to \$100,000 of excess loan loss reserve money in the water pollution control state revolving fund is appropriated to make grants to aid in the feasibility of projects as authorized in 75-5-1113(3)(b).

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

During the 2003 biennium, up to \$100,000 of excess loan loss reserve money in the drinking water state revolving fund is appropriated to make grants to aid in the feasibility of projects as authorized in 75-6-224(3)(b).

The department is authorized to decrease federal special revenue in the pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account.

During the 2003 biennium, up to \$1 million in federal special revenue is appropriated to the department for the agriculture heritage program, contingent upon receipt of federal funds for this purpose. This appropriation is restricted for use in the agriculture heritage program.

During the 2003 biennium, up to \$1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account is appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

During the 2003 biennium, up to \$70,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater-Missouri diversion project.

During the 2003 biennium, up to \$500,000 of funds currently in or to be deposited in the state project hydropower earnings account is appropriated for the purpose of repairing, improving, or rehabilitating department state water projects.

The department shall report back to the 2003 legislature to provide an update on the progress of the flood damage reduction project.

The department is appropriated up to \$20,000 for the 2003 biennium from the bond proceeds provided for in 76-13-408 for hazard reduction bonds during the 2003 biennium.

Item 6b are those funds received from nonstate entities for the use of department personnel and equipment to assist them in managing emergency incidents, such as fire suppression activities. Only funds up to \$100,000 received as reimbursement of personnel expenses credited against the department's operational budget and up to \$250,000 of funds received as payment under equipment use agreements are considered fire reimbursement funds. All other funds received must be deposited in the general fund. Funds reimbursed for the use of department equipment must be expended for the repair, maintenance, and replacement of equipment that supports the state-county cooperative fire program. The department shall report fire reimbursement expenditures on state accounting records, and the records must be separate from present law operations.

DEPARTMENT OF AGRICULTURE (6201)

1. Central Management Division (15)

160,698	417,516	65,009	46,667	0	689,890	183,479	402,681	64,838	48,740	0	699,738
---------	---------	--------	--------	---	---------	---------	---------	--------	--------	---	---------

a. Legislative Audit (Restricted/Biennial)

34,055	0	0	0	0	34,055	0	0	0	0	0	0
--------	---	---	---	---	--------	---	---	---	---	---	---

b. Electronic Transactions Strategic Planning Consulting Services (OTO)

0	79,000	0	39,000	0	118,000	0	30,414	0	4,000	0	34,414
---	--------	---	--------	---	---------	---	--------	---	-------	---	--------

2. Agricultural Sciences Division (30)

95,175	4,453,416	421,962	0	0	4,970,553	97,137	4,435,233	423,377	0	0	4,955,747
--------	-----------	---------	---	---	-----------	--------	-----------	---------	---	---	-----------

a. Federal Special Grants (OTO)

0	0	100,000	0	0	100,000	0	0	100,000	0	0	100,000
---	---	---------	---	---	---------	---	---	---------	---	---	---------

b. Organic Certification Program (Restricted/OTO)

41,567	0	0	0	0	41,567	41,680	0	0	0	0	41,680
--------	---	---	---	---	--------	--------	---	---	---	---	--------

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

3.	Agricultural Development Division (50)											
	353,612	3,183,896	45,710	267,689	0	3,850,907	356,431	3,146,249	45,710	267,947	0	3,816,337
	a.	Rail Transportation Technical Assistance (Restricted/Biennial/OTO)										
		0	50,000	0	0	0	50,000	0	0	0	0	0

---

Total	685,107	8,183,828	632,681	353,356	0	9,854,972	678,727	8,014,577	633,925	320,687	0	9,647,916
-------	---------	-----------	---------	---------	---	-----------	---------	-----------	---------	---------	---	-----------

It is the intent of the legislature that the department use sources other than the general fund to fund operations of the organic certification program in the 2005 biennium.

Item 1 includes a reduction in general fund money of \$9,627 in fiscal year 2002 and \$9,627 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$2,715 of general fund money, \$28,656 of state special revenue, \$3,804 of federal special revenue, and \$2,225 of proprietary fund money in fiscal year 2002 and \$2,725 of general fund money, \$28,755 of state special revenue, \$3,817 of federal special revenue, and \$2,233 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for 1 full-time equivalent employee. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

DEPARTMENT OF COMMERCE (6501)

1.	Weights and Measures Bureau (02)											
	0	694,288	0	0	0	694,288	0	697,611	0	0	0	697,611
	a.	Legislative Audit (Restricted/Biennial)										
		0	1,573	0	0	0	1,573	0	0	0	0	0
2.	Banking and Financial Division (36)											
	0	1,567,590	0	0	0	1,567,590	0	1,578,405	0	0	0	1,578,405
	a.	Legislative Audit (Restricted/Biennial)										
		0	2,821	0	0	0	2,821	0	0	0	0	0
3.	Professional and Occupational Licensing Bureau (39)											
	0	5,316,679	0	0	0	5,316,679	0	5,249,198	0	0	0	5,249,198
	a.	Legal Contingency (Restricted/OTO)										
		0	70,000	0	0	0	70,000	0	0	0	0	70,000
4.	Board of Research and Commercialization (50)											
	147,704	0	0	0	0	147,704	148,951	0	0	0	0	148,951
	a.	Legislative Audit (Restricted/Biennial)										
		340	0	0	0	340	0	0	0	0	0	0
5.	Economic Development Division (51)											



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

1,149,070	191,601	4,058,000	0	0	5,398,671	1,155,556	191,405	4,058,350	0	0	5,405,311
a.	Legislative Audit (Restricted/Biennial)										
7,051	0	0	0	0	7,051	0	0	0	0	0	0
6.	Montana Promotion Division (52)										
0	750,000	0	0	0	750,000	0	750,000	0	0	0	750,000
a.	Legislative Audit (Restricted/Biennial)										
0	15,149	0	0	0	15,149	0	0	0	0	0	0
7.	Community Development Division (60)										
435,416	1,835,248	8,179,068	0	0	10,449,732	440,187	1,895,206	8,179,480	0	0	10,514,873
a.	Legislative Audit (Restricted/Biennial)										
4,920	925	0	0	0	5,845	0	0	0	0	0	0
b.	Hard-Rock Mining Impact Account Reserve (Restricted)										
0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
8.	Local Government Services Division (62)										
427,602	0	0	0	0	427,602	430,187	0	0	0	0	430,187
a.	Legislative Audit (Restricted/Biennial)										
911	0	0	0	0	911	0	0	0	0	0	0
9.	Building Codes Bureau (65)										
0	3,189,177	0	0	0	3,189,177	0	3,181,356	0	0	0	3,181,356
a.	Legislative Audit (Restricted/Biennial)										
0	6,427	0	0	0	6,427	0	0	0	0	0	0
b.	Building Codes Vehicle Replacement (OTO)										
0	45,118	0	0	0	45,118	0	46,118	0	0	0	46,118
10.	Housing Division (74)										
0	0	53,450,092	0	0	53,450,092	0	0	56,319,440	0	0	56,319,440
a.	Legislative Audit (Restricted/Biennial)										
0	0	11,973	0	0	11,973	0	0	0	0	0	0
11.	Montana State Lottery (77)										
0	0	0	8,550,339	0	8,550,339	0	0	0	8,888,627	0	8,888,627
a.	Legislative Audit (Restricted/Biennial)										
0	0	0	8,265	0	8,265	0	0	0	0	0	0
b.	Online Terminals (OTO)										
0	0	0	345,000	0	345,000	0	0	0	0	0	0
12.	Board of Horseracing (78)										

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	0	238,108	0	0	0	238,108	0	239,319	0	0	0	239,319
	a.	Legislative Audit (Restricted/Biennial)										
	0	450	0	0	0	450	0	0	0	0	0	0
13.	Consumer Affairs (79)											
	265,624	74,839	0	0	0	340,463	268,227	74,839	0	0	0	343,066
	a.	Legislative Audit (Restricted/Biennial)										
	608	0	0	0	0	608	0	0	0	0	0	0
	b.	Telemarketing/Lemon Law Programs Fund Switch (Restricted/OTO)										
	56,354	0	0	0	0	56,354	56,354	0	0	0	0	56,354
14.	Director's Office/Management Services Division (81)											
	a.	Department Server/Hardware Replacement (OTO)										
	18,721	11,913	18,566	8,973	0	58,173	0	0	0	0	0	0

Total	2,514,321	14,111,906	65,717,699	8,912,577	0	91,256,503	2,499,462	14,073,457	68,557,270	8,888,627	0	94,018,816
-------	-----------	------------	------------	-----------	---	------------	-----------	------------	------------	-----------	---	------------

The department is appropriated in each of the fiscal years 2002 and 2003 up to \$500,000 of state special revenue that is deposited in the account established for the purpose of processing charter applications and for the chartering, examination, and regulation of each foreign capital depository that obtains a charter under the provisions of 32-8-205.

Item 5 includes a reduction of \$13,252 of general fund money, \$55,743 of state special revenue, and \$11,728 of federal special revenue in fiscal year 2002 and \$13,298 of general fund money, \$55,934 of state special revenue, and 11,768 of federal special revenue in fiscal year 2003. Item 11 includes a reduction of proprietary fund money of \$14,548 in fiscal year 2002 and \$14,598 in fiscal year 2003. These reductions are the equivalent of funding for 2.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

It is the intent of the legislature that the department use lodging facility use taxes to fund \$340,961 in fiscal year 2002 and \$336,677 in fiscal year 2003 for the Montana historical society. This would be expended as follows:

	<u>2002</u>	<u>2003</u>
Lewis and Clark Bicentennial	\$116,477	\$111,124
Scriver Curator	28,484	25,553
Scriver Rent Storage	96,000	100,000
Lewis and Clark Grant Funding	100,000	100,000

Item 5 includes a reduction in general fund money of \$29,724 in fiscal year 2002 and \$29,724 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

The department shall report to the 2003 legislature on options for a fleet management plan to stabilize vehicle replacement costs within the building codes division.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

The department shall report to the 2003 legislature on the status and results related to the purchase and placement of additional online terminals funded in item 11b.

The department is appropriated up to \$56,354 in state special revenue authority in each year of the biennium for operations within the telemarketing and lemon law programs and shall seek and use state special revenue received from consumer affairs' settlements as authorized by a district court order to offset and minimize use of the general fund within the telemarketing and lemon law programs, as provided in 17-2-108.

<hr/>											
TOTAL SECTION C											
25,323,510	132,275,466	109,982,691	9,265,933	0	276,847,600	24,539,546	91,770,176	108,428,276	9,209,314	0	233,947,312

D. CORRECTIONS AND PUBLIC SAFETY

CRIME CONTROL DIVISION (4107)

1. Justice System Support Service (01)											
2,547,369	0	10,345,282	0	0	12,892,651	2,560,808	0	10,343,286	0	0	12,904,094

<hr/>											
Total											
2,547,369	0	10,345,282	0	0	12,892,651	2,560,808	0	10,343,286	0	0	12,904,094

All remaining federal pass-through grant appropriations, including reversions, for the 2001 biennium are authorized to continue and are appropriated in fiscal year 2002 and fiscal year 2003.

Item 1 includes a reduction in general fund money of \$5,289 in fiscal year 2002 and \$5,289 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses.

DEPARTMENT OF JUSTICE (4110)

1. Legal Services Division (01)											
2,494,360	327,095	149,680	0	0	2,971,135	2,511,938	328,436	150,137	0	0	2,990,511
a. Major Litigation (Restricted/Biennial)											
200,000	0	0	0	0	200,000	200,000	0	0	0	0	200,000
2. Gambling Control Division (07)											
946,936	2,257,622	0	0	0	3,204,558	949,496	2,267,500	0	0	0	3,216,996
3. Motor Vehicle Division (12)											
8,136,355	432,194	0	0	0	8,568,549	8,189,320	432,194	0	0	0	8,621,514
4. Highway Patrol Division (13)											
1,039,779	17,043,371	964,494	0	0	19,047,644	1,072,796	17,340,140	971,207	0	0	19,384,143
5. Division of Criminal Investigation (18)											
2,306,218	317,530	1,340,017	0	0	3,963,765	2,320,009	318,765	1,345,719	0	0	3,984,493
6. County Attorney Payroll (19)											

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	1,695,751	0	0	0	0	1,695,751	1,749,594	0	0	0	0	1,749,594
7.	Law Enforcement Academy Division (22)											
	1,104,358	50,000	199,607	0	0	1,353,965	1,089,466	50,000	199,722	0	0	1,339,188
8.	Central Services Division (28)											
	276,527	354,085	0	12,888	0	643,500	275,326	352,410	0	12,831	0	640,567
	a. Legislative Audit (Restricted/Biennial)											
	26,149	33,447	0	1,216	0	60,812	0	0	0	0	0	0
9.	Information Technology Services Division (29)											
	2,787,457	537,570	761,375	10,094	0	4,096,496	2,801,067	537,142	761,322	10,094	0	4,109,625
10.	Extradition and Transportation of Prisoners (30)											
	177,724	0	0	0	0	177,724	178,936	0	0	0	0	178,936
11.	Forensic Sciences Division (32)											
	2,057,290	303,205	185,673	0	0	2,546,168	2,046,498	303,205	185,973	0	0	2,535,676
<hr/>												
Total	23,248,904	21,656,119	3,600,846	24,198	0	48,530,067	23,384,446	21,929,792	3,614,080	22,925	0	48,951,243

The appropriations for legislative contract authority are subject to all of the following provisions:

- (1) Legislative contract authority applies only to federal and private funds.
- (2) Legislative contract authority expenditures must be reported on the state accounting records and kept separate from present law operations. In preparing the 2005 biennium executive budget, the office of budget and program planning may not include expenditures from this item in the present law base.
- (3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year, listing legislative contract authority grants received and the amount of expenditures and FTE for each grant.

The legislature recognizes that the costs associated with litigation in which the legal services division is required to provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 2003 legislature to adequately represent the state.

The appropriation for the gambling control division contains funding for the automated accounting and reporting system (AARS). The general fund appropriation of \$380,000 in each year of the 2003 biennium reflects continuation of a 5-year general fund commitment for this project through the 2005 biennium. It is the intent of the legislature that an annual general fund commitment of \$236,250 be continued in each year of the 2007 biennium. If the long-range building program committee bill, to use intercap funding for AARS implementation, is passed by the 2001 legislature, a portion of these appropriations may be used to make debt service payments.

The department is appropriated up to \$2,800,000 for the biennium from state special revenue funds for the purchase of system interface boards to be used for the implementation of the AARS.

Item 3 includes a reduction in general fund money of \$77,142 in fiscal year 2002 and \$77,142 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

There is appropriated from the highway patrol retirement clearing account for payments to the Montana highway patrol pension fund the amount required for this transfer, not to exceed \$1,500,000 for each fiscal year.

Item 9 includes a reduction of \$132,628 of general fund money, \$118,831 of state special revenue, \$10,236 of federal special revenue, and \$105 of proprietary fund money in fiscal year 2002 and \$133,089 of general fund money, \$119,245 of state special revenue, \$10,272 of federal special revenue, and \$105 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for 7 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

General fund money up to \$51,000 for the 2003 biennium in item 10 not used for the extradition and transportation of prisoners may be used to purchase vans for county sheriffs and peace officers to transport prisoners.

The legislature recognizes that the cost for extradition and transportation of prisoners is dependent upon factors beyond the control of the agency and may exceed the appropriation provided. In that event, the agency will need to request a supplemental appropriation from the 2003 legislature to provide required extradition and transportation of prisoners.

Item 11 includes \$12,000 in general fund money for fiscal year 2002 for lab accreditation. The use of the funds for accreditation is contingent on passage of a federal requirement that a lab needs to be accredited to receive federal funds.

PUBLIC SERVICE REGULATION (4201)

1.	Public Service Regulation Program (01)											
	0	2,426,152	15,520	0	0	2,441,672	0	2,406,861	15,519	0	0	2,422,380
a.	Legislative Audit (Restricted/Biennial)											
	0	17,027	0	0	0	17,027	0	0	0	0	0	0
b.	Consultants (Biennial)											
	0	100,000	0	0	0	100,000	0	0	0	0	0	0
c.	Universal Access Program (Biennial)											
	0	683,454	0	0	0	683,454	0	0	0	0	0	0
<hr/>												
Total	0	3,226,633	15,520	0	0	3,242,153	0	2,406,861	15,519	0	0	2,422,380

DEPARTMENT OF CORRECTIONS (6401)

1.	Administration and Support Services (01)											
	14,803,089	4,321	0	60,383	0	14,867,793	14,836,914	1,358	0	56,508	0	14,894,780
a.	Legislative Audit (Restricted/Biennial)											
	91,947	0	0	0	0	91,947	0	0	0	0	0	0
2.	Community Corrections (02)											
	32,629,140	573,890	428,987	0	0	33,632,017	34,353,289	573,890	428,987	0	0	35,356,166
3.	Secure Facilities (03)											

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

48,134,474	1,152,279	533,362	0	0	49,820,115	51,083,654	1,152,595	556,968	0	0	52,793,217
4.	Montana Correctional Enterprises (04)										
1,014,403	0	0	516,831	0	1,531,234	1,016,834	0	0	518,241	0	1,535,075
<hr/>											
Total											
96,673,053	1,730,490	962,349	577,214	0	99,943,106	101,290,691	1,727,843	985,955	574,749	0	104,579,238
Item 1 includes a reduction of \$401,402 of general fund money and \$1,531 of proprietary fund money in fiscal year 2002 and \$402,801 of general fund money and \$1,536 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for 10.75 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.											
Item 2 includes a reduction in general fund money of \$112,296 in fiscal year 2002 and \$112,296 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.											
If Senate Bill No. 489 is passed and approved, general fund money in item 3 is decreased by \$4 million in fiscal year 2003.											
DEPARTMENT OF LABOR AND INDUSTRY (6602)											
1.	Job Service Division (01)										
691,220	6,694,562	24,353,747	6,832	0	31,746,361	693,564	6,726,459	24,370,144	6,832	0	31,796,999
a.	Legislative Audit (Restricted/Biennial)										
958	58,072	6,543	0	0	65,573	0	0	0	0	0	0
b.	Research and Analysis Bureau Additional FTE (OTO)										
0	0	82,903	0	0	82,903	0	0	83,194	0	0	83,194
2.	Unemployment Insurance Division (02)										
0	288,653	6,184,411	0	0	6,473,064	0	288,653	6,233,008	0	0	6,521,661
a.	Legislative Audit (Restricted/Biennial)										
0	0	20,506	0	0	20,506	0	0	0	0	0	0
b.	Unemployment Insurance Modified FTE to Permanent (OTO)										
0	0	108,206	0	0	108,206	0	0	108,583	0	0	108,583
3.	Commissioner's Office/Centralized Services Division (03)										
134,249	429,675	346,757	52,540	0	963,221	134,851	434,241	348,158	52,819	0	970,069
a.	Legislative Audit (Restricted/Biennial)										
196	3,164	0	0	0	3,360	0	0	0	0	0	0
4.	Employment Relations Division (04)										
886,421	5,713,800	650,833	0	0	7,251,054	890,932	5,752,229	654,100	0	0	7,297,261
a.	Legislative Audit (Restricted/Biennial)										

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	2,990	14,812	2,660	0	0	20,462	0	0	0	0	0	0
	b.	Human Rights Workload (Restricted/OTO)										
	21,159	0	0	0	0	21,159	21,227	0	0	0	0	21,227
5.	Montana Community Services (07)											
	24,895	28,191	2,964,617	0	0	3,017,703	24,895	28,200	2,966,338	0	0	3,019,433
	a.	Legislative Audit (Restricted/Biennial)										
	0	0	862	0	0	862	0	0	0	0	0	0
6.	Workers' Compensation Court (09)											
	0	422,851	0	0	0	422,851	0	428,777	0	0	0	428,777
	a.	Legislative Audit (Restricted/Biennial)										
	0	1,034	0	0	0	1,034	0	0	0	0	0	0
<hr/>												
Total	1,762,088	13,654,814	34,722,045	59,372	0	50,198,319	1,765,469	13,658,559	34,763,525	59,651	0	50,247,204

It is the intent of the legislature that the rates charged for these functions be agreed to by the United States department of labor federal cost negotiator. It is anticipated that the assessment will be approximately 9% and 10% of a program's actual personal services costs incurred in fiscal year 2002 and fiscal year 2003.

Item 3 includes a reduction in general fund money of \$16,420 in fiscal year 2002 and \$16,420 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 3 includes a reduction of \$7,635 of general fund money, \$100,934 of state special revenue, and \$98,921 of federal special revenue in fiscal year 2002 and \$7,661 of general fund money, \$101,282 of state special revenue, and \$99,263 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 5.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

DEPARTMENT OF MILITARY AFFAIRS (6701)

1.	Operations Support (01)											
	366,616	0	45,697	0	0	412,313	365,215	0	50,448	0	0	415,663
	a.	Legislative Audit (Restricted/Biennial)										
	414	0	0	0	0	414	0	0	0	0	0	0
	b.	Operations Support Compliance Specialist (OTO)										
	0	0	36,548	0	0	36,548	0	0	37,153	0	0	37,153
2.	Challenge Program (02)											
	a.	Legislative Audit (Restricted/Biennial)										
	4,135	0	6,203	0	0	10,338	0	0	0	0	0	0
	b.	Youth Challenge Program (OTO)										

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

	695,690	0	2,087,070	0	0	2,782,760	698,051	0	2,094,154	0	0	2,792,205
3.	Scholarship Program (03)											
	a.	National Guard Scholarship Program (Biennial/OTO)										
	250,000	0	0	0	0	250,000	0	0	0	0	0	0
4.	Army National Guard Program (12)											
	1,168,675	123,914	3,602,405	0	0	4,894,994	1,227,291	222,312	3,699,154	0	0	5,148,757
	a.	Legislative Audit (Restricted/Biennial)										
	6,410	0	16,746	0	0	23,156	0	0	0	0	0	0
5.	Air National Guard Program (13)											
	200,249	0	2,019,140	0	0	2,219,389	208,431	0	2,014,587	0	0	2,223,018
	a.	Legislative Audit (Restricted/Biennial)										
	931	0	4,446	0	0	5,377	0	0	0	0	0	0
6.	Disaster Coordination Response (21)											
	505,171	21,597	1,766,187	0	0	2,292,955	507,632	21,597	1,326,648	0	0	1,855,877
	a.	Legislative Audit (Restricted/Biennial)										
	620	0	620	0	0	1,240	0	0	0	0	0	0
	b.	Disaster and Emergency Services Server Replacement (OTO)										
	0	0	0	0	0	0	12,679	0	4,651	0	0	17,330
7.	Veterans' Affairs Program (31)											
	688,957	161,428	0	0	0	850,385	684,164	161,495	0	0	0	845,659
	a.	Legislative Audit (Restricted/Biennial)										
	827	0	0	0	0	827	0	0	0	0	0	0
	b.	Veterans' Affairs Copier Replacement (OTO)										
	4,000	0	0	0	0	4,000	0	0	0	0	0	0

---

Total	3,892,695	306,939	9,585,062	0	0	13,784,696	3,703,463	405,404	9,226,795	0	0	13,335,662
-------	-----------	---------	-----------	---	---	------------	-----------	---------	-----------	---	---	------------

---

The terrorism/weapons of mass destruction program and the associated 1 FTE is terminated when federal funding for the program is terminated.

Item 4 includes a reduction in general fund money of \$26,615 in fiscal year 2002 and \$26,615 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 4 includes a reduction of \$20,312 of general fund money, \$486 of state special revenue, and \$37,072 of federal special revenue in fiscal year 2002 and \$20,381 of general fund money, \$488 of state special revenue, and \$37,196 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 1.5 full-time equivalent employees. The department may reallocate this reduction in FTE and funding among divisions when developing 2003 biennium operating plans.



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

TOTAL SECTION D

128,124,109	40,574,995	59,231,104	660,784	0	228,590,992	132,704,877	40,128,459	58,949,160	657,325	0	232,439,821
-------------	------------	------------	---------	---	-------------	-------------	------------	------------	---------	---	-------------

E. EDUCATION

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)

1. OPI Administration (06)

4,275,066	167,623	0	73,133	0	4,515,822	4,295,143	167,696	0	73,133	0	4,535,972
a. Advanced Placement Administration (OTO)											
0	0	27,557	0	0	27,557	0	0	39,841	0	0	39,841
b. Emergency Renovation (OTO)											
0	0	54,837	0	0	54,837	0	0	54,837	0	0	54,837
c. Federal Funds (Biennial)											
0	0	7,516,994	0	0	7,516,994	0	0	7,528,376	0	0	7,528,376
d. National Board Certification Stipends											
30,000	0	0	0	0	30,000	30,000	0	0	0	0	30,000
2. Distribution to Public Schools (09)											
0	0	82,994,320	0	0	82,994,320	0	0	84,576,071	0	0	84,576,071
a. BASE Aid (Biennial)											
432,677,022	0	0	0	0	432,677,022	440,553,781	0	0	0	0	440,553,781
b. Special Education (Biennial)											
33,899,850	0	0	0	0	33,899,850	34,916,846	0	0	0	0	34,916,846
c. Transportation Aid (Biennial)											
10,787,993	0	0	0	0	10,787,993	10,887,993	0	0	0	0	10,887,993
d. School Facility Reimbursement (Biennial)											
4,350,000	0	0	0	0	4,350,000	4,700,000	0	0	0	0	4,700,000
e. Timber Harvest for Technology (Restricted/Biennial)											
1,250,000	0	0	0	0	1,250,000	1,600,000	0	0	0	0	1,600,000
f. Instate Treatment (Biennial)											
974,897	0	0	0	0	974,897	974,897	0	0	0	0	974,897
g. Secondary Vocational Education (Biennial)											
715,000	0	0	0	0	715,000	715,000	0	0	0	0	715,000
h. Adult Basic Education (Biennial)											

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

275,000	0	0	0	0	275,000	275,000	0	0	0	0	275,000
i.	Gifted and Talented (Biennial)										
150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000
j.	School Food (Biennial)										
648,653	0	0	0	0	648,653	648,653	0	0	0	0	648,653
k.	School District Audits (Biennial)										
145,025	0	0	0	0	145,025	149,425	0	0	0	0	149,425
l.	School District Block Grants -- HB 121 (OTO)										
2,400,000	0	0	0	0	2,400,000	0	0	0	0	0	0
m.	Traffic Safety Distribution										
0	750,000	0	0	0	750,000	0	750,000	0	0	0	750,000
n.	Reduced Class Size (Biennial)										
0	0	7,605,780	0	0	7,605,780	0	0	9,492,523	0	0	9,492,523
o.	Advanced Placement Incentive (Biennial)										
0	0	194,900	0	0	194,900	0	0	238,600	0	0	238,600
p.	Comprehensive School Reform (Biennial)										
0	0	963,061	0	0	963,061	0	0	963,061	0	0	963,061
q.	Emergency School Renovation (Biennial)										
0	0	5,428,913	0	0	5,428,913	0	0	5,428,913	0	0	5,428,913

---

Total	492,578,506	917,623	104,786,362	73,133	0	598,355,624	499,896,738	917,696	108,322,222	73,133	0	609,209,789
-------	-------------	---------	-------------	--------	---	-------------	-------------	---------	-------------	--------	---	-------------

It is the intent of the legislature that the advanced driver education program be funded through a proprietary account.

Item 1 includes a reduction in general fund money of \$35,313 in fiscal year 2002 and \$35,313 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal 2000 base budget travel expenses.

Item 1 includes a reduction of \$24,236 of general fund money, \$1,477 of state special revenue, and \$20,154 of federal special revenue in fiscal year 2002 and \$24,322 of general fund money, \$1,482 of state special revenue, and \$20,225 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 1.25 full-time equivalent employees. The office may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 1c is a biennial appropriation.

Item 1d is to provide up to 10 teachers each fiscal year who obtain certification by the national board for professional teaching standards with a one-time stipend of \$3,000.

Items 2a through 2k and items 2n through 2q are biennial appropriations.

Item 2e is for school technology as provided in 20-9-534. The amount expended may not exceed the amount paid into the general fund under the provisions of

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

20-9-343(3)(a)(ii).

The office of public instruction may distribute funds from the appropriation in item 2f to public school districts for the purpose of providing educational costs of day-treatment services.

BOARD OF PUBLIC EDUCATION (5101)

1.	Administration (01)	145,629	11,425	0	0	0	157,054	142,524	11,425	0	0	0	153,949
	a. Legislative Audit (Restricted/Biennial)	1,703	0	0	0	0	1,703	0	0	0	0	0	0
	b. Montana Education Coordinating Committee (Restricted/Biennial/OTO)	6,000	0	0	0	0	6,000	0	0	0	0	0	0
2.	Advisory Council (03)	0	161,433	0	0	0	161,433	0	161,994	0	0	0	161,994
	a. Legislative Audit (Restricted/Biennial)	0	1,702	0	0	0	1,702	0	0	0	0	0	0

---

Total		153,332	174,560	0	0	0	327,892	142,524	173,419	0	0	0	315,943
-------	--	---------	---------	---	---	---	---------	---------	---------	---	---	---	---------

Item 1 includes a reduction in general fund money of \$5,404 in fiscal year 2002 and \$5,404 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The board may reallocate this reduction in funding between programs when developing 2003 biennium operating plans.

Item 1b is contingent upon passage and approval of supporting legislation and may be used only for communication and office expenses.

SCHOOL FOR THE DEAF AND BLIND (5113)

1.	Administration Program (01)	300,395	0	0	0	0	300,395	298,071	0	0	0	0	298,071
	a. Legislative Audit (Restricted/Biennial)	28,127	0	0	0	0	28,127	0	0	0	0	0	0
2.	General Services Program (02)	314,080	0	0	0	0	314,080	315,497	0	0	0	0	315,497
3.	Student Services (03)	894,091	0	25,000	0	0	919,091	897,547	0	25,000	0	0	922,547
4.	Education (04)	1,794,951	232,930	63,287	0	0	2,091,168	1,795,313	232,922	63,285	0	0	2,091,520

---

Total		3,331,644	232,930	88,287	0	0	3,652,861	3,306,428	232,922	88,285	0	0	3,627,635
-------	--	-----------	---------	--------	---	---	-----------	-----------	---------	--------	---	---	-----------

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Item 3 includes a reduction in general fund money of \$5,711 in fiscal year 2002 and \$5,711 in fiscal year 2003. This is a reduction in travel funding. The school may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

Item 4 includes a reduction of \$26,189 of general fund money, \$2,135 of state special revenue, and \$611 of federal special revenue in fiscal year 2002 and \$26,279 of general fund money, \$2,143 of state special revenue, and \$613 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for a 0.75 full-time equivalent employee. The school may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

MONTANA ARTS COUNCIL (5114)

1. Promotion of the Arts (01)

313,215	140,829	477,500	0	0	931,544	301,681	137,416	477,500	0	0	916,597
a. Legislative Audit (Restricted/Biennial)											
19,460	0	0	0	0	19,460	0	0	0	0	0	0

Total											
332,675	140,829	477,500	0	0	951,004	301,681	137,416	477,500	0	0	916,597

All federal funds in item 1 are biennial appropriations.

Item 1 includes a reduction in general fund money of \$1,803 in fiscal year 2002 and \$1,803 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses.

MONTANA STATE LIBRARY COMMISSION (5115)

1. State Library Operations (01)

1,786,472	177,710	1,200,694	0	0	3,164,876	1,527,330	177,710	750,694	0	0	2,455,734
a. Legislative Audit (Restricted/Biennial)											
17,027	0	0	0	0	17,027	0	0	0	0	0	0
b. Periodical Electronic Database (OTO)											
82,500	117,500	0	0	0	200,000	82,500	117,500	0	0	0	200,000

2. Natural Resources Information System (07)

84,838	495,348	30,000	0	0	610,186	88,980	495,341	30,000	0	0	614,321
a. Stable Natural Resources Information System Funding (OTO)											
4,513	140,487	475,000	0	0	620,000	4,513	115,487	0	0	0	120,000

Total											
1,975,350	931,045	1,705,694	0	0	4,612,089	1,703,323	906,038	780,694	0	0	3,390,055

Item 1 includes biennial appropriations of \$251,138 in general fund money and \$889,102 in federal funds for grants to local libraries.

Item 1 includes a reduction in general fund money of \$7,261 in fiscal year 2002 and \$7,261 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The commission may reallocate this reduction in funding between programs when developing 2003 biennium operating

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

plans.

Item 2 includes \$500,000 for legislative contract authority as a biennial appropriation, subject to the following provisions:

(1) Legislative contract authority applies only to state special revenue funds received from the Montana university system, federal funds, and private funds.

(2) Legislative contract authority expenditures must be reported on the state accounting system. The records must be separate from present law operations. In preparing the 2005 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

(3) A report must be submitted by the state library commission to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.

(4) Legislative contract authority may be transferred between state and federal special revenue, depending upon the contract received by the Montana state library.

MONTANA HISTORICAL SOCIETY (5117)

1.	Administration Program (01)											
	793,693	212,243	53,762	67,247	0	1,126,945	797,553	206,870	54,573	67,238	0	1,126,234
	a. Legislative Audit (Restricted/Biennial)											
	26,757	0	0	0	0	26,757	0	0	0	0	0	0
	b. Lewis and Clark Bicentennial (OTO)											
	31,847	0	0	0	0	31,847	31,715	0	0	0	0	31,715
2.	Library Program (02)											
	585,836	2,808	0	59,447	0	648,091	588,810	2,808	0	59,518	0	651,136
	a. Equipment to Read and Print Microfilm (Biennial/OTO)											
	6,000	0	0	0	0	6,000	0	0	0	0	0	0
3.	Museum Program (03)											
	282,182	251,533	0	7,618	0	541,333	284,383	253,151	0	7,618	0	545,152
4.	Publications (04)											
	53,652	0	0	710,135	0	763,787	53,652	0	0	711,646	0	765,298
5.	Historical Sites Preservation (06)											
	47,381	0	805,481	0	0	852,862	44,451	0	807,864	0	0	852,315
6.	Lewis and Clark Bicentennial (08)											
	a. Grant Funding (Restricted)											
	0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
<hr/>												
Total	1,827,348	566,584	859,243	844,447	0	4,097,622	1,800,564	562,829	862,437	846,020	0	4,071,850

Item 1 includes a reduction in general fund money of \$6,549 in fiscal year 2002 and \$6,549 in fiscal year 2003. This is a reduction in travel funding. The agency may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Item 1 includes a reduction of \$9,453 of general fund money, \$5,230 of state special revenue, \$3,034 of federal special revenue, and \$2,753 of proprietary fund money in fiscal year 2002 and \$9,483 of general fund money, \$5,246 of state special revenue, \$3,043 of federal special revenue, and \$2,762 of proprietary fund money in fiscal year 2003. This reduction is the equivalent of funding for a 0.5 full-time equivalent employee. The agency may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The legislative intent of item 2a is to acquire equipment based on the newest available technology within the available funding limit at the time of purchase.

It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$340,961 in fiscal year 2002 and \$336,677 in fiscal year 2003 for the Montana historical society. This would be expended as follows:

	<u>2002</u>	<u>2003</u>
Lewis and Clark Bicentennial	\$116,477	\$111,124
Scriver Curator	28,484	25,553
Scriver Rent Storage	96,000	100,000
Lewis and Clark Grant Funding	100,000	100,000

MONTANA UNIVERSITY SYSTEM, INCLUDING OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION AND EDUCATIONAL UNITS AND AGENCIES  
(5100)

1.	OCHE -- Administration (01)											
	1,221,994	0	0	0	0	1,221,994	1,236,481	0	0	0	0	1,236,481
	a. Legislative Audit (Restricted/Biennial)											
	35,514	0	0	0	0	35,514	0	0	0	0	0	0
2.	OCHE -- Student Assistance (02)											
	8,299,390	0	151,531	0	0	8,450,921	8,477,208	0	151,531	0	0	8,628,739
3.	OCHE -- Dwight D. Eisenhower Mathematics and Science Education Act (03)											
	0	0	312,744	0	0	312,744	0	0	312,744	0	0	312,744
4.	OCHE -- Community College Assistance (04)											
	5,540,013	0	0	0	0	5,540,013	5,597,528	0	0	0	0	5,597,528
	a. Legislative Audit (Restricted/Biennial)											
	33,920	0	0	0	0	33,920	0	0	0	0	0	0
5.	OCHE -- Talent Search (06)											
	92,846	0	2,993,405	0	0	3,086,251	93,349	0	3,129,072	0	0	3,222,421
6.	OCHE -- C.D. Perkins Administration (08)											
	78,748	0	7,741,446	0	0	7,820,194	78,746	0	6,101,291	0	0	6,180,037
7.	OCHE -- Appropriation Distribution Transfers (09)											
	99,820,715	12,426,336	0	0	0	112,247,051	100,321,170	12,594,548	0	0	0	112,915,718
	a. Legislative Audit (Restricted/Biennial)											

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

228,503	0	0	0	0	228,503	0	0	0	0	0	0	
b.	Increase State Support \$100 per Resident Student per Year (OTO)											
2,500,000	0	0	0	0	2,500,000	5,000,000	0	0	0	0	5,000,000	
c.	Agricultural Experiment Station											
9,667,170	0	0	0	0	9,667,170	9,702,731	0	0	0	0	9,702,731	
d.	Institute for Biobased Products and Food Science											
200,000	0	0	0	0	200,000	200,000	0	0	0	0	200,000	
e.	Extension Service											
3,974,244	0	0	0	0	3,974,244	3,989,997	0	0	0	0	3,989,997	
f.	Forestry and Conservation Experiment Station											
897,300	0	0	0	0	897,300	900,600	0	0	0	0	900,600	
g.	Bureau of Mines and Geology											
1,516,947	600,000	0	0	0	2,116,947	1,521,761	666,000	0	0	0	2,187,761	
h.	Fire Services Training School											
497,580	0	0	0	0	497,580	507,176	0	0	0	0	507,176	
8.	OCHE -- Guaranteed Student Loan (12)											
0	0	34,668,909	0	0	34,668,909	0	0	37,372,404	0	0	37,372,404	
a.	Legislative Audit (Restricted/Biennial)											
0	0	4,379	0	0	4,379	0	0	4,378	0	0	4,378	
9.	OCHE -- Board of Regents (13)											
43,631	0	0	0	0	43,631	43,631	0	0	0	0	43,631	
<hr/>												
Total	134,648,515	13,026,336	45,872,414	0	0	193,547,265	137,670,378	13,260,548	47,071,420	0	0	198,002,346

Items 1 through 3 and 5 through 7b are a single biennial lump-sum appropriation.

Total audit costs of the office of the commissioner of higher education are estimated to be \$35,514.

Item 1 includes a reduction in general fund money of \$16,926 in fiscal year 2002 and \$16,926 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget travel expenses. The agency may reallocate this reduction in funding among programs when developing 2003 biennium operating plans.

Total Summitnet costs are estimated to be \$25,000 each year for the community colleges. The general fund appropriation for the community colleges provides 53% of the total Summitnet costs. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4. Summitnet costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college.

The general fund appropriation in item 4 is calculated to fund education in the community colleges for an estimated 1,990 resident student FTE students in fiscal year 2002 and 2,011 resident student FTE students in fiscal year 2003. If total annual resident FTE student enrollment in the community colleges is greater than 1,990

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

in fiscal year 2002 and 2,011 in fiscal year 2003, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than 1,990 in fiscal year 2002 and 2,011 in fiscal year 2003, the commission of higher education shall revert \$2,686 in general fund money from the appropriation in item 4 to the state for each estimated FTE student who did not enroll.

Total audit costs are estimated to be \$64,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 53% of the total audit costs in fiscal year 2002. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4a. Audit costs for the biennium may not exceed \$20,000 each for Dawson and Miles community colleges and \$24,000 for Flathead Valley community college.

Item 6 includes a reduction of \$24,385 in fiscal year 2002 and \$24,470 in fiscal year 2003 of federal special revenue. Item 7 includes a reduction of \$779,826 in fiscal year 2002 and \$782,537 in fiscal year 2003 of general fund money. This reduction is the equivalent of funding for 40.75 full-time equivalent employees. The board of regents may reallocate this reduction in FTE and funding among university system units, as defined in 17-7-102(13), when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The decision of the legislature to deny funds for initiatives or budget requests proposed by the governor and the board of regents for the 2003 biennium does not imply an intent to prohibit the board of regents from implementing those initiatives unless specifically stated otherwise in [this act].

The general fund and millage appropriation in item 7 is calculated to fund education in the 4-year units and the colleges of technology for an estimated 25,004 resident FTE students in fiscal 2002 and 25,207 resident FTE students in fiscal 2003. If actual resident student enrollment is greater than the estimated number for the biennium, the university system shall serve the additional students without a state general fund contribution. If actual resident student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$1,914 in general fund money to the state for each estimated FTE student who did not enroll.

Revenue appropriated to the Montana university system units and colleges of technology includes:

- (1) state special revenue from interest earnings of \$1,913,590 each year of the 2003 biennium;
- (2) tuition revenue of \$110,388,170 in fiscal year 2002 and \$109,729,925 in fiscal year 2003; and
- (3) other revenue of \$1,013,738 each year of the 2003 biennium.

These amounts are appropriated for current unrestricted operating expenses as a biennial lump-sum appropriation and are in addition to the funds shown in item 7. Item 7 includes \$428,660 in each year of the biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$201,100; Montana tech of the university of Montana, \$28,000; Montana state university-northern, \$97,000; Montana state university-Billings, \$91,800; and western Montana college of the university of Montana, \$10,760.

Item 7 includes a total of \$44,253 of general fund money for the 2003 biennium for the Montana natural resources information system (NRIS). The Montana university system shall pay an additional \$44,253 for the 2003 biennium in current funds in support of NRIS. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Total audit costs are estimated to be \$681,092 for the university system other than the office of the commissioner of higher education. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 7a.

Item 7b is intended by the legislature to be used to increase state support for resident student FTE at the university units each year of the 2003 biennium.

University system unit is defined in 17-7-102(13). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds appropriated in House Bills No. 5 and 14, relating to long-range building, and current unrestricted operating funds) are appropriated contingent on approval of the comprehensive program budget by the board of regents by October 1 of each year. For all university system 4-year units and colleges of technology, all funds,



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

other than funds appropriated in House Bills No. 5 and 14 for long-range building programs, are appropriated as a lump sum for the biennium contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditure and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Transfers and related justifications must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

All university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the standards of accounting and reporting, as described by the national college and university business officers, as a minimum for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall allow the office of budget and program planning and the legislative fiscal division banner access to the entire university system's banner information system, including data warehouses, except:

- (1) the ability to change data;
- (2) portions of the banner information system that are the property of third parties (such as alumni associations or foundations); and
- (3) information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

Subsections (1) through (3) in no way limit the power of the legislative fiscal analyst or the budget director to receive and examine copies of any state government information, including confidential records, in accordance with 5-12-303 and 17-1-132.

All financial data recorded in the various funds in banner must agree with the financial data as recorded on the statewide accounting, budgeting, and human resources system (SABHRS), including:

- (1) all statutory and restricted appropriations must be clearly segregated on SABHRS; and
- (2) the budgeted personal services for current unrestricted operating funds on banner must tie to the operating plan for expenditure of funds appropriated in [this act] and other bills, as approved by the board of regents.

The Montana university system shall provide the electronic data required to upload human resource data for the current unrestricted operating funds into the MBARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Revenue appropriated to the agricultural experiment station includes:

- (1) state special revenue from interest earnings and other revenue of \$184,239 in fiscal year 2002 and \$184,705 in fiscal year 2003;
- (2) federal revenue of \$2,122,369 in fiscal year 2002 and \$2,130,499 in fiscal year 2003; and
- (3) proprietary revenue from sales of \$993,627 in fiscal year 2002 and \$998,135 in fiscal year 2003. These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7c.

The general fund money in item 7d is appropriated with the condition that, prior to the expenditure of the general fund money, the Montana agricultural experiment station collect \$140,000 of private, nonpublic money each year of the 2003 biennium for the purpose of supporting the institute for biobased products and food science.

Revenue appropriated to the extension service includes:

- (1) state special revenue from interest earnings of \$46,892 in fiscal year 2002 and \$47,070 in fiscal year 2003; and
- (2) federal revenue of \$2,268,928 in fiscal year 2002 and \$2,278,065 in fiscal year 2003. These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7e.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Interest revenue of \$4,923 in each year of the 2003 biennium is appropriated to the forestry and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in item 7f.

Proprietary revenue of \$27,310 each year of the 2003 biennium is appropriated to the bureau of mines and geology for current unrestricted operating expenses. This amount is in addition to that shown in item 7g.

Interest revenue of \$4,097 each year of the 2003 biennium is appropriated to the fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in item 7h.

TOTAL SECTION E											
634,847,370	15,989,907	153,789,500	917,580	0	805,544,357	644,821,636	16,190,868	157,602,558	919,153	0	819,534,215
TOTAL STATE FUNDING											
1,142,925,522	414,608,462	1,364,587,747	12,296,769	933,055	2,935,351,555	1,167,079,052	377,310,052	1,384,531,463	1		
2,235,605	933,055	2,942,089,227									

**NEW SECTION. Section 5. Rates.** Internal service fund type fees and charges established by the legislature for the 2003 biennium in compliance with 17-7-123(6)(b) are as follows:

	<u>Fiscal Year 2002</u>	<u>Fiscal Year 2003</u>
Secretary of State - 3201		
1. Administrative Rules of Montana Fees		
a. Administrative Rules of Montana (per set)	\$350.00	\$350.00
b. Quarterly Updates of ARM (per year)	\$250.00	\$250.00
c. Extra Titles (per book)	\$50.00	\$50.00
d. Quarterly Updates of Extra Titles (per year per title)	\$50.00	\$50.00
e. Montana Administrative Register (per subscription)	\$300.00	\$300.00
f. Agency Filing Fee for Pages of Register Publication (per page)	\$40.00	\$40.00
g. Binders (per binder)	\$5.00	\$5.00
h. Lapsed Subscription Fee ARM (per subscription)	\$50.00	\$50.00
i. Lapsed Subscription Fee Extra Title (per title)	\$10.00	\$10.00
j. Fax Fee - 10 Pages or Less (first 10 pages)	\$3.00	\$3.00
k. Fax Fee - Additional Pages Over 10 Pages (per page)	\$0.25	\$0.25
l. Research Fee (per hour)	\$12.00	\$12.00
m. Set Cleanup Fee (per hour)	\$12.00	\$12.00
n. Missing Page Fee (per page up to cost of set)	\$0.50	\$0.50

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

o. Rule Edit Fee (per hour)	\$15.00	\$15.00
p. Late Filing Fee (less than 2 hours) (per occurrence)	\$5.00	\$5.00
q. Late Filing Fee (2 hours to 4 hours) (per occurrence)	\$10.00	\$10.00
r. Late Filing Fee (more than 4 hours) (per occurrence)	\$25.00	\$25.00
2. Records Management Fees (based on 2-6-203)		
a. 16MM Microfilm		
Less than 250,000	\$38.58	\$38.58
Nontypical extreme weight and size	\$38.58	\$38.58
8" x 11"; 8" x 14" paperwork	\$30.00	\$30.00
8" x 11"; 8" x 14" computer printout	\$30.00	\$30.00
Extreme size and weight variance	\$31.50	\$31.50
Cards - fixed weight and color	\$15.75	\$15.75
Cards - mixed weight and color	\$26.25	\$26.25
b. 35MM Microfilm		
L (per 12" x 12") aerial photos	\$68.25	\$68.25
16" x 20" bound books	\$63.00	\$63.00
24" x 34" newspapers	\$115.50	\$115.50
24" x 34" bound newspapers	\$136.50	\$136.50
48" x 48" blueprints/maps	\$288.75	\$288.75
c. 105MM Microfilm		
8" x 11" paperwork	\$68.25	\$68.25
8" x 11"; 8" x 14" computer printout	\$77.17	\$77.17
Cards (per 1,000)	\$77.17	\$77.17
Minimum filing charge	\$37.50	\$37.50
d. Film Processing		
16mm, 100 foot roll	\$3.62	\$3.62
16mm, 215 foot roll	\$7.10	\$7.10
35mm, 100 foot roll	\$6.35	\$6.35
16mm, 3M cartridges	\$4.73	\$4.73
e. Film Inspecting		
100 foot roll inspection (per roll)	\$3.65	\$3.65
215 foot roll inspection (per roll)	\$5.23	\$5.23
Film splicing	\$0.79	\$0.79
3M cartridge loading	\$2.25	\$2.25

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

f. Duplication		
16mm, 100 foot roll (per roll)	\$6.81	\$6.81
16mm, 215 foot roll (per roll)	\$13.03	\$13.03
35mm, 100 foot roll (per roll)	\$9.21	\$9.21
105mm, microfiche or jackets	\$0.16	\$0.16
Reader/printer copies	\$0.50	\$0.50
Photocopies/own labor	\$0.10	\$0.10
Photocopies/our labor	\$0.50	\$0.50
16mm, 100 foot roll (per roll)	\$9.92	\$9.92
35mm, 100 foot roll (per roll)	\$14.54	\$14.54
g. Jacket Loading		
16mm, 5 channel jacket	\$0.3150	\$0.3150
Agency's own jacket	\$0.2887	\$0.2887
35mm, 1 and 2 channel jacket	\$0.3150	\$0.3150
Loading 16mm aperture card	\$0.2625	\$0.2625
Jacket title	\$0.2625	\$0.2625
Jacket notching	\$0.0525	\$0.0525
h. Miscellaneous		
Fiche title (per title)	\$0.2625	\$0.2625
Indexing and document prep/hour (per hour)	\$18.00	\$18.00
Camera rental (per day)	\$95.00	\$95.00
i. Supplies		
NMI reader bulbs (per bulb)	\$10.75	\$10.75
16mm, 100 foot roll film (per roll)	\$6.68	\$6.68
16mm, 215 foot roll film (per roll)	\$12.95	\$12.95
35mm, 100 foot roll film (per roll)	\$13.95	\$13.95
j. Records Center Services		
Storage (per square foot per month)	\$0.2565	\$0.2565
Storage (per cubic foot per month)	\$0.295	\$0.295
Retrievals (per occurrence)	\$1.50	\$1.50
Emergency retrievals (per occurrence)	\$6.25	\$6.25
Large retrievals, delivery, interfiling (per occurrence)	\$22.50	\$22.50
Records disposal (per hour)	\$22.50	\$22.50
Shredding confidential records (per hour)	\$23.05	\$23.05

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

k. Records Center Boxes		
Records storage boxes: standard size A (per box)	\$1.34	\$1.34
Drawing and map storage boxes: size C (per box)	\$1.34	\$1.34
l. Imaging Services		
Imaging (per image)	\$0.055	\$0.055
Indexing and document preparation (per hour)	\$18.00	\$18.00
Department of Transportation - 5401		
1. State Motor Pool		
a. Class 02 (small utilities)		
per hour assigned	\$1.597	\$1.600
per mile operated	\$0.022	\$0.022
b. Class 04 (large utilities)		
per hour assigned	\$2.116	\$2.335
per mile operated	\$0.056	\$0.056
c. Class 06 (passenger cars)		
per hour assigned	\$1.501	\$1.643
per mile operated	\$0.054	\$0.054
d. Class 07 (small and standard size pickups)		
per hour assigned	\$1.270	\$1.260
per mile operated	\$0.030	\$0.030
e. Class 11 (large 4X4 pickups)		
per hour assigned	\$1.832	\$2.334
per mile operated	\$0.056	\$0.056
f. Class 12 (vans)		
per hour assigned	\$1.449	\$1.632
per mile operated	\$0.071	\$0.071
2. Equipment Program		
a. 60-Day Working Capital		
Department of Revenue - 5801		
1. Customer Service Center		
a. Delinquent Account Collection Fee (percent of amount collected)	10.0%	10.0%
Department of Administration - 6101		
1. Accounting and Management Support		
a. Legal Services Unit		

Share (percent) of Total Revenue Each Program or Division Will Pay

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Teachers' Retirement	20%	20%
Employee Benefits Program	26%	26%
Risk Management and Tort Defense	2%	2%
General Services Division	7%	7%
Architecture and Engineering	18%	18%
Information Services Division	27%	27%
Total	100%	100%
b. Network Support Unit		
Programming cost	60-day working capital reserve	
Computer support (per computer)	\$714	\$732
Server support (per server)	\$1,072	\$1,098
c. Warrant Writing (per warrant)		
Mailer warrants	\$0.6170	\$0.6145
Nonmailers	\$0.2080	\$0.2055
Emergency warrant	\$4.1329	\$4.1320
Duplicate warrant	\$5.6632	\$5.6624
Direct deposits	\$0.1671	\$0.1660
Externals - printed from an outside system	\$0.1850	\$0.1825
d. Personnel Unit		
Allocation to supported divisions (per FTE basis)	\$88,262	\$92,691
2. Procurement and Printing		
a. Publications and Graphics	60-day working capital reserve	
b. Central Stores	60-day working capital reserve	
c. Natural Gas Procurement	break-even (no reserve)	
d. Statewide Fueling Network (percent of gross purchases)	5.0%	5.0%
e. Statewide Procurement Card Program (per card)	\$1.00	\$1.00
3. Information Services Division		
a. Data Network Fee (per connected terminal per month)	\$72.60	\$72.60
b. Statewide Accounting, Budgeting, and Human Resources System (SABHRS) Allocation to Agencies	\$4,168,460	\$4,211,734
c. All Remaining Operations of the Division	45-day working capital reserve	
4. General Services Division		
a. Office Space Rent (per square foot)	\$4.77	\$4.88
b. Warehouse Space Rent (per square foot)	\$2.12	\$2.12

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

5. Mail and Distribution Bureau		
a. Interagency Mail (total amount allocated to agencies)	\$171,655	\$171,655
b. All Other Operations Except for Interagency Mail		60-day working capital reserve
6. State Personnel Division		
a. Intergovernmental Training (per hour)	\$113	\$113
b. State Payroll Unit (total amount allocated to agencies)	\$356,958	\$366,248
c. Employee Benefits Program - Because state employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of the premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to meet the requirements of 2-18-812(1) to maintain state employee group benefit plans on an actuarially sound basis, the legislature defines "rates and fees" for state employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to meet the requirements of 2-18-812(1).		
7. Risk Management and Tort Defense		
a. General Liability (total allocation to agencies)	\$4,793,553	\$4,985,295
b. Automobile Liability (total allocation to agencies)	\$1,137,500	\$1,225,000
c. Property (total allocation to agencies)	\$1,200,500	\$1,270,930
d. Airport/Aircraft (total allocation to agencies)	\$116,567	\$128,222
e. All Other Lines (total allocation to agencies)	\$239,413	\$258,508
Fish, Wildlife & Parks - 5201		
1. Administration and Finance (% markup)		
a. Warehouse Overhead	14%	14%
2. Vehicle Account Rates Per Mile		
a. Sedans	\$0.20	\$0.24
b. Suburban - 4x4	\$0.33	\$0.35
c. Vans 1/2 Ton	\$0.18	\$0.21
d. Vans 1/2 Ton Window	\$0.27	\$0.32
e. Pickup 1/2 Ton 2x4	\$0.33	\$0.34
f. Pickup 3/4 Ton 4x4 V8	\$0.20	\$0.22
g. Grounds Maintenance	\$0.75	\$0.85
h. Bronco 4x4	\$0.24	\$0.28
i. Pickup 1/2 Ton 4x4	\$0.27	\$0.34
j. Pickup 3/4 Ton 4x4 HD	\$0.30	\$0.35
k. Pickup 3/4 Ton 4x4 HD XC	\$0.35	\$0.38
l. Pickup 1 Ton 4x4	\$0.33	\$0.37
m. Pickup 3/4 Ton 4x4 MD	\$0.24	\$0.27

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

n.	Pickup 3/4 Ton 4x4 MD XC	\$0.29	\$0.33
o.	Pickup 1/2 Ton 4x4 LD XC	\$0.29	\$0.33
3.	Aircraft Per Hour Rates		
a.	Two-Place Single Engine	\$ 54.02	\$ 56.72
b.	Partnavia	\$257.24	\$270.10
c.	Turbine Helicopters	\$313.58	\$329.26
4.	Parks – Capitol Grounds Maintenance	\$0.3696/sq.ft.	\$0.3696/sq.ft.
5.	Duplicating – Number of Copies (includes paper)		
a.	1-20	\$0.045	\$0.050
b.	21-100	\$0.030	\$0.035
c.	101-1000	\$0.025	\$0.030
d.	1001-5000	\$0.020	\$0.025
6.	Bindery		
a.	Collating (per sheet)	\$0.005	\$0.005
b.	Hand Stapling (per set)	\$0.015	\$0.015
c.	Saddle Stitch (per set)	\$0.030	\$0.030
d.	Folding (per sheet)	\$0.005	\$0.005
e.	Punching (per sheet)	\$0.001	\$0.001
f.	Cutting (per minute)	\$0.550	\$0.550
Department of Environmental Quality - 5301			
1.	Central Management		
a.	Expenses Against Personal Services	24%	24%
Department of Natural Resources and Conservation - 5706			
1.	Air Operations Program		
a.	Fixed Wing	\$95	\$95
b.	Bell 206A Helicopter	\$355	\$355
c.	UH-1 Huey Helicopter	\$875	\$875
Department of Commerce - 6501			
1.	Professional and Occupational Licensing		
a.	House Bill No. 2 Programs Recharge Rate	38%	38%
2.	Local Government Services Bureau		
a.	Local Government Assistance Administration Recharge	1.38%	1.38%
3.	Board of Investments		

For purposes of [this act], the legislature defines “rates” as the total collections necessary to operate the board of investments as follows:



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

a. Administration Charge (total)	\$2,765,200	\$2,710,200
4. Director's Office/Management Services		
a. Management Services Indirect Charge Rate	10.25%	10.25%
Department of Justice - 4110		
1. Agency Legal Services		
a. Attorney (per hour)	\$70	\$70
b. Investigator/Paralegal (per hour)	\$38	\$38
Department of Corrections - 6401		
1. Montana Corrections Enterprises		
a. Laundry rate to MSP	\$0.39/lb	\$0.39/lb
b. Laundry rate to MSH	\$0.38/lb	\$0.38/lb
c. Laundry rate to MDC	\$0.46/lb	\$0.46/lb
Department of Labor and Industry - 6602		
1. Centralized Services Division		
a. Cost Allocation Plan	9.44%	10.14%
Office of Public Instruction - 3501		
1. OPI Indirect Cost Pool	17%	17%
2. Advanced Driver Education		
a. Workshop Fees		
Full-day workshop/person	\$175.00 - \$200.00	
Half-day refresher/person	\$115.00 - \$125.00	
b. Facility Usage Fees		
Montana state government/day	\$85.00	
High school driver education		
Per year when track not in use	\$500.00	
Per day after hours and not in use	\$25.00	
Private nonprofit/day	\$200.00	
Commercial use/day	\$1,500.00 - \$2,000.00	

MONTANA UNIVERSITY SYSTEM - 5100

Because certain employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to maintain employee group benefit plans on an actuarially sound basis, the legislature defines rates and fees for Montana university system employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to maintain the employee group benefit plans on an actuarially sound basis.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

-End-

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

**HUMAN SERVICES** (Thomas, Chairman):  
**SB 38**, be amended as follows:

3/12/2001

1. Title, line 7.  
**Strike:** "40-5-807,"

2. Page 3, line 29.  
**Following:** line 28

**Insert:** "(5) If the department is providing child support enforcement services, the department shall ensure that a parent required by a medical support order to obtain a health benefit plan or individual insurance for a child is informed of any state group health benefit plan, such as the state children's health insurance plan, for which a child may be eligible. If a medical support order requiring enrollment is issued by the department or the court and a determination is made that insurance is not available at a reasonable cost, the tribunal shall notify the primary parent of the determination and of any state group health benefit plan for which a child may be eligible and may order the primary parent to submit an application to the department for enrollment of the child in a state group health benefit plan, such as the state children's health insurance plan. If the department determines that the child is eligible, it shall enroll the child in the program pursuant to standard enrollment procedures."

**Renumber:** subsequent subsections

3. Page 4, line 30 through page 5, line 12.  
**Strike:** section 3 in its entirety  
**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 107**, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):  
**SB 152**, be amended as follows:

3/12/2001

1. Page 2, line 12.  
**Following:** "state,"  
**Insert:** "tribal,"

And, as amended, be concurred in. Report adopted.

**SB 300**, be concurred in. Report adopted.  
**SB 318**, be amended as follows:

1. Title, line 5.  
**Following:** "SEASON;"

**Insert:** "INCREASING FROM 50 MILES TO 100 MILES THE DISTANCE THAT VEHICLES MAY TRAVEL FROM THE HARVESTED FIELD; INCREASING FROM 7 PERCENT TO 10 PERCENT THE AMOUNT BY WHICH CERTAIN VEHICLES MAY EXCEED WEIGHT LIMITS WITHOUT INCURRING PENALTIES;"

2. Page 1, line 27.  
**Strike:** "50-mile"  
**Insert:** "100-mile"

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

3. Page 2, line 8.

**Strike:** "50-mile"

**Insert:** "100-mile"

4. Page 3, line 3.

**Strike:** "7%, or"

**Strike:** "for garbage trucks, "

5. Page 3, lines 4 and 5.

**Strike:** "7%," on line 4

**Strike:** the first "or" on line 5

**Strike:** "for garbage trucks" on line 5

6. Page 3, line 6.

**Strike:** "7%, or"

**Strike:** "for garbage trucks"

7. Page 3, line 9.

**Strike:** "7%, or"

**Strike:** "for garbage trucks, "

8. Page 3, line 10.

**Strike:** "7%, or"

**Strike:** "for garbage trucks, "

9. Page 3, line 17.

**Strike:** "50-mile"

**Insert:** "100-mile"

10. Page 3, line 25 through line 27.

**Strike:** subsection 4 in its entirety

And, as amended, be concurred in. Report adopted.

**SB 380**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

3/10/2001

**SB 134**, introduced by Miller

**SB 4** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on **SB 4**:

3/10/2001

Senator Grimes, Chairman

Senator Cocchiarella

Senator DePratu

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/10/2001

**HB 210**, introduced by Ripley

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 134**, introduced by Miller, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Sliter moved consideration of **SB 175** and **SB 398** be passed for the day. Motion carried.

**HB 129 - Senate Amendments** - Representative Bales moved Senate amendments to **HB 129** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 241 - Senate Amendments** - Representative Thomas moved Senate amendments to **HB 241** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 55** - Representative Bales moved **SB 55** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

**SB 161** - Representative Younkin moved **SB 161** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Gallus, Gillan, Haines, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 66

Noes: Adams, Andersen, Balyeat, R. Brown, Clancy, P. Clark, Curtiss, Davies, Dell, Esp, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Gutsche, Himmelberger, Hurdle, Jackson, Kasten, Keane, Laible, Laszloffy, Lewis, Lindeen, McCann, Musgrove, Newman, Schrumpf, Smith, Tropila, Vick, Wanzenried, Mr. Speaker.

Total 34

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 168** - Representative Thomas moved **SB 168** be concurred in. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Thomas, Waddill, Wolery, Younkin.

Total 55

Noes: Adams, Andersen, Balyeat, D. Brown, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Dell, Eggers, Esp, Fisher, Forrester, Fuchs, Golie, Hedges, Himmelberger, Jackson, Jayne, Kasten, Laszloffy, Lewis, Lindeen, Masolo, McKenney, Olson, Pattison, Rice, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.

Total 45

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 234** - Representative Price moved **SB 234** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 269** - Representative Kasten moved **SB 269** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 609** - Representative Story moved **HB 609** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**SB 23** - Representative Gallik moved **SB 23** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**SB 33** - Representative Younkin moved **SB 33** be concurred in.

**SB 33** - Representative Harris moved **SB 33**, second reading copy, be amended as follows :

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

1. Title, page 1, line 5.

**Following:** "ISSUES"

**Insert:** "RELATING TO THE ADEQUACY OR CONTENT OF AN ENVIRONMENTAL REVIEW DOCUMENT"

2. Page 3, line 10.

**Following:** "issue"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

3. Page 3, line 14.

**Following:** "issues"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

4. Page 3, line 16.

**Following:** "issue"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

5. Page 3, line 17.

**Following:** "issue"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

6. Page 3, line 18.

**Following:** "issues"

**Insert:** "relating to the adequacy or content of the agency's environmental review document"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bitney, Erickson.

Total 2

Absent or not voting: None.

Total 0

Motion that **SB 33**, as amended, be concurred in carried as follows:

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Dell, Esp, Gillan, McCann, Sliter, Vick, Wanzenried.

Total 8

Excused: Bitney, Erickson.

Total 2

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

**BILLS** (Bookout-Reinicke, Chairman):

3/12/2001

Correctly printed: **HB 2, HB 225.**

Correctly enrolled: **HB 175, HB 238, HB 268, HB 281, HB 286, HB 358, HB 458, HB 462, HJR 9, HJR 11.**

Examined by the sponsor and found to be correct: **HB 174, HB 175, HB 238, HB 268, HB 281, HB 286, HB 300, HB 358, HB 458, HB 462, HJR 9, HJR 11.**

**BUSINESS AND LABOR** (McKenney, Chairman):

3/12/2001

**SB 74**, be concurred in. Report adopted.

**SB 421**, be amended as follows:

1. Title, line 16.

**Strike:** "45"

**Insert:** "60"

2. Page 2, line 14.

**Strike:** "45"

**Insert:** "60"

3. Page 2, line 20.

**Strike:** "45-day"

**Insert:** "60-day"

4. Page 2, line 24.

**Strike:** "45-day"

**Insert:** "60-day"

And, as amended, be concurred in. Report adopted.

**SB 432**, be concurred in. Report adopted.

**EDUCATION** (Masolo, Chairman):

3/12/2001

**HB 31**, introduced bill, be amended as follows:

1. Title, line 15.

**Following:** "YEARS;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 5.

**Following:** line 15

**Insert:** "NEW SECTION. **Section 3. Appropriation.** There is appropriated \$66,665,369 from the general fund to the superintendent of public instruction for the biennium beginning July 1, 2001."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 121**, introduced bill, be amended as follows:

1. Title, line 6.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

**Following:** "2002;"

**Insert:** "ALLOWING THE MAXIMUM GENERAL FUND BUDGET OF A DISTRICT TO BE CALCULATED FROM 105 PERCENT OF THE BASIC ENTITLEMENT AND 105 PERCENT OF THE TOTAL PER-ANB ENTITLEMENT;"

2. Title, line 12.

**Following:** "\$5,165;"

**Insert:** "PROVIDING AN APPROPRIATION;"

**Strike:** "AN"

3. Title, line 13.

**Strike:** "DATE AND AN"

**Insert:** "DATES,"

**Strike:** the second "DATE"

**Insert:** "DATES, AND TERMINATION DATES"

4. Page 1.

**Following:** line 15

**Insert:** "**Section 1.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) \$206,000 for each high school district;

(b) \$18,540 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) \$18,540 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) \$206,000 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from 105% of the basic entitlement for the district, 105% of the total per-ANB entitlement for the district, and up to 153% of special education allowable c

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$5,015 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of \$3,763 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of \$3,763 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$5,015 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB. ""

**Renumber:** subsequent sections

5. Page 2, line 21.

**Following:** "from"

**Insert:** "105% of"

**Following:** the first "district,"

**Insert:** "105% of"

6. Page 3.

**Following:** line 13

**"Section 3.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$212,180 for each high school district;

(b) ~~\$18,540~~ \$19,096 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$19,096 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$212,180 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,165 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,876 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,876 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,165 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

**Insert:** "NEW SECTION. Section 4. Appropriation. There is appropriated \$13,230,068 from the general fund to the superintendent of public instruction for the fiscal year beginning July 1, 2002."

**Renumber:** subsequent sections

7. Page 3, line 15.

**Strike:** "date"

**Insert:** "dates"

**Following:** "applicability."

**Insert:** "(1)"

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1, 4, and 6 and this section] are"

**Strike:** "2002"

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

**Insert:** "2001"

8. Page 3, line 16.

**Following:** "and"

**Insert:** "[section 1]"

**Strike:** "2002"

**Insert:** "2001"

9. Page 3.

**Following:** line 16

**Insert:** "(2) [Section 2] is effective July 1, 2002, and applies to school budgets for school fiscal years beginning on or after July 1, 2002.

(3) [Section 3] is effective July 1, 2003, and applies to school budgets for school fiscal years beginning on or after July 1, 2003."

**Insert:** "NEW SECTION. **Section 6. Termination dates.** (1) [Section 1] terminates June 30, 2002.

(2) [Section 2] terminates June 30, 2003."

And, as amended, do pass. Report adopted.

**SB 65**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/12/2001

**SB 31**, be concurred in. Report adopted.

**SB 146**, be concurred in. Report adopted.

**SB 159**, be amended as follows:

1. Page 1, line 12 through line 18.

**Strike:** subsection (1) in its entirety

**Insert:** "(1) Upon proper application as provided in 77-2-102, the board may grant easements on state lands for the following purposes:

(a) schoolhouse sites and grounds;

(b) public parks;

(c) community buildings;

(d) cemeteries;

(e) conservation purposes:

(i) to the department of fish, wildlife, and parks for parcels that are surrounded by or adjacent to land owned by the department of fish, wildlife, and parks as of January 1, 2001;

(ii) to a nonprofit corporation for parcels that are surrounded by or adjacent to land owned by that same nonprofit corporation as of January 1, 2001; and

(iii) to a nonprofit corporation for the Owen Sowerwine natural area located within section 16, township 28 north, range 21 west, in Flathead County; and

(f) for other public uses."

2. Page 1, line 19.

**Strike:** "in"

**Insert:** "on"

And, as amended, be concurred in. Report adopted.



HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 634**, introduced by Lindeen, referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 36**, introduced by Bookout-Reinicke (by request of the House Transportation Standing Committee), referred to Transportation.

**MOTIONS**

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 4**. Motion carried.

The Speaker appointed the following members:

Representative Adams, Chairman  
Representative Shockley  
Representative Gallus

Representative Sliter moved that **SB 226** be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

Representative Sliter moved that **SB 368** be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

Representative Sliter moved that **SB 402** be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

Representative Sliter moved that **SB 181** be taken from the Committee on Local Government and rereferred to the Committee on Human Services. Motion carried.

Representative Sliter moved that **SB 210** be taken from the Committee on Local Government and rereferred to the Committee on State Administration. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HJR 36**: Hedges, Keane, Matthews, and Rome.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, March 13, 2001. Motion carried.

House adjourned at 2:05 p.m.

HOUSE JOURNAL  
FIFTY-SIXTH LEGISLATIVE DAY - MARCH 12, 2001

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 13, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Edith Clark. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the pages for the week:

Ledin Letang, Rudyard  
Ben Sutton, Libby  
Colleen Iverson, Shelby  
Jeff Shafer, Columbia Falls  
Kirsten Young, Billings  
Audrey Fisher, New Braunfels, TX  
J.T. Dell, Billings  
Kimberly Kessler, Avon

**COMMUNICATIONS AND PETITIONS**

JOINT PROCLAMATION OF THE MONTANA HOUSE OF REPRESENTATIVES AND MONTANA STATE SENATE

Recognizing the Thirtieth Birthday of Erin Patricia Billings

WHEREAS March 13, 2001 is the thirtieth birthday of Erin Patricia Billings.

WHEREAS Erin Billings still believes the state's largest city was named after her.

WHEREAS Erin Billings insists that her colleagues call her "Super Scoop."

WHEREAS Erin Billings has been a fixture of the Montana press corps, manufacturing out of thin air and her rabid imagination, news stories about the already irrational proceedings of the legislatures since 1995.

WHEREAS there is no question that nearly everyone in this body has been quoted, or misquoted, libeled, slandered or harassed by Erin Billings.

WHEREAS the state fire marshal has refused to authorize the open burning permit necessary to light all the candles on her cake.

WHEREAS Erin Billings is too old to be young but not old enough to remember ancient history when Democrats actually had political influence in the Legislature, Republicans had none, and a Democrat really knew what the inside of the governor's office looks like.

WHEREAS Erin Billings has faithfully kept confidential, countless secrets and scandals that did not prove newsworthy. (If you're wondering if this means you, then it probably does. You know who you are.)

WHEREAS most of us have dirt younger than Erin Billings.

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

WHEREAS the AARP and Montana Senior Citizens Association have already made Erin Billings an honorary member and she needs your sympathy.

WHEREAS Erin Billings' tenure covering the Montana legislature will conclude with the adjournment of the 57<sup>th</sup> legislative assembly.

THEREFORE, BE IT PROCLAIMED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA THAT THE LEGISLATURE, ON BEHALF OF THE PEOPLE OF MONTANA, EXTENDS ITS BEST WISHES AND BIRTHDAY GREETINGS TO ERIN BILLINGS AND DECLARES TUESDAY, MARCH 13, 2001, ERIN PATRICIA BILLINGS DAY.

The proclamation was signed by Senate President Tom Beck, House Speaker Dan McGee, Senate Minority Leader Steve Doherty, and House Minority Leader Kim Gillan.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/13/2001  
Correctly printed: **HB 10, HB 31, HB 38, HB 121, HB 273, HB 598, HB 604, HB 620, SB 31, SB 38, SB 65, SB 74, SB 107, SB 146, SB 152, SB 159, SB 300, SB 318, SB 380, SB 421, SB 432.**  
Correctly engrossed: **HB 609, SB 23, SB 33, SB 55, SB 161, SB 168, SB 234, SB 269.**  
Correctly enrolled: **HB 127, HB 134, HB 157, HB 263, HB 267, HB 298, HB 329, HB 336, HB 365, HB 391, HB 393, HB 433, HJR 14, HJR 15, HJR 22.**  
Delivered to the Governor for her approval at 9:30 a.m., March 13, 2001: **HB 21, HB 44, HB 71, HB 103, HB 104, HB 108, HB 110, HB 114, HB 126, HB 147, HB 223, HB 272, HB 309, HB 411.**  
Delivered to the Secretary of State at 9:44 a.m., March 13, 2001: **HJR 8.**

**APPROPRIATIONS** (Vick, Chairman): 3/13/2001  
**HB 10**, introduced bill, be amended as follows:

1. Page 3, line 20.

**Strike:** "There is appropriated"

**Insert:** "Of the amount appropriated in subsection (1), the department is directed to contract"

2. Page 3, line 22.

**Strike:** "who"

**Insert:** "that"

**Following:** "assistance"

**Insert:** "or that have not received federal low-income energy assistance in the current program year"

And, as amended, do pass. Report adopted.

**HB 38**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "vehicles"

**Strike:** remainder of line 15

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

**HB 273**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** ";;"

**Insert:** "CLARIFYING THE USE OF THE TRANSFERRED FUNDS; AMENDING SECTION 90-6-133, MCA;"

2. Page 1, line 10.

**Insert:** "**Section 1.** Section 90-6-133, MCA, is amended to read:

**"90-6-133. Revolving loan account -- administration.** (1) There is an affordable housing revolving loan account in the state special revenue fund in the state treasury. The money in the loan account is allocated to the board for the purpose of providing loans to eligible applicants.

(2) (a) ~~Funds~~ Except as provided in subsection (2)(b), funds deposited in the loan account must be used for the program authorized in 90-6-134 and may not be used to pay the expenses of any other program or service administered by the board.

(b) Money transferred to the account pursuant to [section 2] may be used only for the purposes authorized by the temporary assistance for needy families block grant pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq.

(3) The board may determine the rate of interest to be charged for any loan made under the provisions of 90-6-131 through 90-6-136.

(4) The board may accept contributions, gifts, and grants for deposit into the loan account. The money must be used in accordance with the provisions of 90-6-134.

(5) The costs incurred by the board in administering the loan fund must be paid from the loan account.

(6) Interest and principal on loans from the fund must be repaid to the loan fund.

(7) Interest income generated by investment of the principal of the loan fund is retained in the loan fund account.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 598**, introduced bill, be amended as follows:

1. Page 47, line 18.

**Insert:** "**NEW SECTION. Section 51. Performance audit -- corrections contracts.** In addition to the audit reviews required under [section 4], the legislative auditor shall conduct a performance audit of the department of corrections contracts for the incarceration of inmates during the biennium beginning July 1, 2001."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 608**, do pass. Report adopted.

**HB 620**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "VETERANS"

**Insert:** "FROM LIGHT VEHICLE REGISTRATION FEES"

2. Title, page 1, line 7.

**Following:** "DISABILITY"

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

**Strike:** "FROM LIGHT VEHICLE REGISTRATION FEES"

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman):

3/13/2001

**SB 94**, be concurred in. Report adopted.

**SB 117**, be concurred in. Report adopted.

**SB 344**, be concurred in. Report adopted.

**SB 394**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/13/2001

**HB 604**, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "AND PROHIBITING INITIAL PENAL INCARCERATION"

**Following:** "FOR A"

**Insert:** "FIRST OR SECOND"

**Following:** "NONVIOLENT"

**Insert:** "FELONY"

2. Title, page 1, line 7.

**Following:** line 6

**Insert:** "PROVIDING AN APPROPRIATION;"

**Strike:** "45-9-208,"

**Strike:** "46-18-222,"

**Insert:** "46-18-225,"

3. Page 1, line 13.

**Strike:** "Short title -- definition -- purpose"

**Insert:** "Purpose"

4. Page 1, line 13 through line 16.

**Strike:** subsections (1) and (2) in their entirety

**Renumber:** subsequent subsections

5. Page 1, line 21.

**Strike:** "This section and [section 2]"

**Insert:** "Section 46-18-225(3) and this section"

6. Page 1, lines 22 and 23.

**Strike:** "This section and [section 2]"

**Insert:** "Section 46-18-225(3) and this section"

7. Page 1, line 30.

**Following:** "nonviolent"

**Insert:** "felony"

8. Page 2, line 9 through line 24.

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

9. Page 2, line 27.

**Strike:** "A"

**Insert:** "Except as provided in 46-18-225(3), a"

10. Page 2, line 28 through line 29.

**Strike:** ", if" on line 28 through "offense," on line 29

11. Page 4, line 10 through 18.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

12. Page 4, line 21.

Page 5, line 3.

Page 5, line 7.

**Strike:** "[section 2]"

**Insert:** "46-18-225(3)"

13. Page 4, line 29.

**Strike:** "and [section 2]"

14. Page 7, line 5 through line 30.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

15. Page 8, line 1.

**Insert:** "**Section 4.** Section 46-18-225, MCA, is amended to read:

**"46-18-225. Sentencing of nonviolent felony offenders -- criteria -- alternatives to be considered -- court to state reasons for imprisonment.** (1) In sentencing a nonviolent felony offender, the sentencing judge shall first consider alternatives to imprisonment of the offender in a state prison, including placement of the offender in a community corrections facility or program, a prerelease center, or a prerelease program. In considering alternatives to imprisonment, the sentencing judge shall examine the sentencing criteria contained in subsection (2).

(2) Prior to sentencing a nonviolent felony offender to whom 46-18-219 does not apply to a term of imprisonment in a state prison, the sentencing judge shall take into account whether:

(a) the interests of justice and the needs of public safety truly require the level of security provided by imprisonment of the offender in a state prison;

(b) the needs of the offender can be better served in the community or in a facility or program other than a state prison;

(c) there are substantial grounds tending to excuse or justify the offense, though failing to establish a defense;

(d) the offender acted under strong provocation;

(e) the offender has made restitution or will make restitution to the victim of the offender's criminal conduct;

(f) the offender has no prior history of conviction for a criminal act or, if the offender has a prior history of conviction for a criminal act, the offender has led a law-abiding life for a substantial period of time before the commission of the present crime;

(g) the offender's criminal conduct was the result of circumstances that are unlikely to recur;

(h) the character and attitude of the offender indicate that the offender is likely to commit another crime;

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

(i) if it is the offender's first or second felony offense, dependency upon drugs, alcohol, or gambling was a factor in the commission of the offense;

~~(j)~~(j) the offender is likely to respond quickly to correctional or rehabilitative treatment; and

~~(k)~~(k) imprisonment of the offender would create an excessive hardship on the offender or the offender's family.

(3) Prior to sentencing a nonviolent offender for a first or second felony offense, the judge shall determine whether dependence on drugs, alcohol, or gambling was a factor in the commission of the offense. If the judge determines that dependence was a factor, the judge shall, before imposing sentence, order the offender to complete and if able to do so pay for a treatment assessment that focuses on treatment alternatives. The sentence must provide that the offender shall comply with all recommendations contained in the treatment assessment and shall pay for the treatment if able to do so. The judge shall approve of the recommended treatment and recommended treatment provider.

~~(3)~~(4) If the judge sentences the offender to a state prison, the judge shall state the reasons why the judge did not select an alternative to imprisonment, based on the criteria contained in subsection (2)."

**Renumber:** subsequent sections

16. Page 15, line 10.

**Insert:** "NEW SECTION. Section 16. Appropriation. There is appropriated \$100,000 to the department of corrections from the general fund to implement [section 4]."

**Renumber:** subsequent section

17. Page 15, line 11.

**Strike:** "[Sections 1 and 2] are"

**Insert:** "[Section 1] is"

18. Page 15, line 12 through line 13.

**Strike:** "[sections 1 and 2]"

**Insert:** "[section 1]"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

3/12/2001

**HB 236**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "\$1 MILLION"

**Insert:** "\$500,000"

2. Title, page 1, line 8.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 1, line 25 through line 27.

**Strike:** "The" on line 25 through " " on line 27

4. Page 2, line 11.

**Strike:** "be used directly by"

**Following:** "commerce"



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

**Insert:** "as follows:

- (i) \$500,000 for deposit in a state special revenue account to the credit of the department of commerce to be used for special, nonrecurring, tourism-related events, as provided in [section 2]; and
- (ii) the remainder to be used directly by the department of commerce"

5. Page 3, line 2 through line 4.

**Strike:** "The" on line 2 through "." on line 4

6. Page 3, line 22.

**Strike:** "be used directly by"

**Following:** "commerce"

**Insert:** "as follows:

- (i) \$500,000 for deposit in a state special revenue account to the credit of the department of commerce to be used for special, nonrecurring, tourism-related events, as provided in [section 2]; and
- (ii) the remainder to be used directly by the department of commerce"

7. Page 4, line 18.

**Strike:** "for less than \$25,000 or"

**Following:** "\$150,000."

**Insert:** "A grant may be awarded for a period of up to 4 years for a special, nonrecurring, tourism-related event. The department may provide grant funds for each year of the grant period."

8. Page 5, following line 20

**Insert:** "NEW SECTION. Section 6. Termination -- applicability. [This act] terminates June 30, 2005. However, available grant funds shall be provided, if necessary, after June 30, 2005, for a grant awarded prior to the termination of [this act]. "

And, as amended, do pass. Report adopted.

**HB 618**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in:

3/12/2001

**SB 97**, introduced by Mahlum

**SB 102**, introduced by Cole

House bills concurred in and returned to the House:

3/12/2001

**HB 127**, introduced by Wanzenried

**HB 134**, introduced by Facey

**HB 157**, introduced by Gallus

**HB 263**, introduced by Jent

**HB 267**, introduced by Juneau

**HB 298**, introduced by Facey

**HB 329**, introduced by Somerville

**HB 336**, introduced by Gutsche

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

**HB 365**, introduced by Whitaker

**HB 391**, introduced by Cyr

**HB 393**, introduced by Mangan

**HB 443**, introduced by Clancy

House joint resolutions concurred in and returned to the House:

3/12/2001

**HJR 14**, introduced by Curtiss

**HJR 15**, introduced by Lawson

**HJR 22**, introduced by Curtiss

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/12/2001

**HB 46**, introduced by Dale

**HB 119**, introduced by Vick

**HB 125**, introduced by Younkin

**HB 156**, introduced by Matthews

**HB 317**, introduced by K. Peterson

**HB 349**, introduced by Haines

**HB 375**, introduced by Carney

**HB 390**, introduced by Shockley

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 635**, introduced by Fuchs, referred to Taxation.

**HB 636**, introduced by Fuchs, referred to Taxation.

The following House bill was introduced, read first time, and referred to committee:

**HB 637**, introduced by Kaufmann, Callahan, referred to Judiciary.

Majority Leader Sliter moved that the House recess until 1:30 p.m. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 1:30 p.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

**HJR 2** - Representative Somerville moved **HJR 2** be adopted.

**HJR 2** - Representative Wanzenried moved **HJR 2**, second reading copy, be amended as follows :

1. Page 3, line 13.

**Strike:** "~~\$571.493~~ \$598.531"

**Insert:** "\$567.993 \$594.981"

2. Page 7, line 11.

**Strike:** "~~\$14.000~~ \$15.000"

**Insert:** "\$10.500 \$11.450"

The LFD shall amend totals.

Note: This amendment reduces individual income tax audit collections by \$3.500 million in fiscal 2002 and by \$3.550 million in fiscal 2003 to the levels approved by the Revenue and Taxation Committee in November 2000.

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 2** - Representative Wanzenried moved **HJR 2**, second reading copy, be amended as follows :

1. Page 2.

**Following:** line 20

**Insert:** "BE IT FURTHER RESOLVED, that the Department of Revenue provide the Legislative Fiscal Division with monthly reports concerning audit assessments and collections for each general fund tax revenue source by tax year, beginning with the month of July 2000. The reports:

(1) for assessments must list assessments of \$50,000 or greater separately from the remaining combined assessments. The reports must include the status of each account and:

(a) the amounts of tax;

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

- (b) the amounts of penalty;
  - (c) the amounts of interest; and
  - (d) the amounts because of amended and delinquent prior year returns.
  - (2) for collections must list accounts of \$50,000 or greater separately from the remaining combined accounts.
- The reports must include the status of each account and the amounts of:
- (a) total tax collections to date;
  - (b) total penalty collections to date;
  - (c) total interest collections to date;
  - (d) total prior year returns collections to date;
  - (e) outstanding collections;
  - (f) estimated collections;
  - (g) tax, penalty, or interest written off or settled at a lesser amount; and
  - (h) collections collected internally and the amounts collected externally by a collection agency, along with the collection agency's fee.

BE IT FURTHER RESOLVED, that the Department report to the Revenue and Taxation Interim Committee at each meeting during the 2003 biennium on the progress of integrating POINTS with the state accounting system to enable the reporting of audits, penalties, interest, and amended and delinquent prior year return collections separately on SABHRS."

Amendment **adopted** as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Mr. Speaker.

Total 80

Noes: Adams, Bales, Balyeat, Barrett, E. Clark, Dale, Devlin, Fisher, Fuchs, Haines, Hedges, Jackson, Kasten, McKenney, Mood, Pattison, Schrumpf, Walters, Witt, Younkin.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 2** - Representative Story moved **HJR 2**, second reading copy, be further amended as follows :

1. Page 18, line 1.

**Strike:** "1.012 1.044 1.073"

**Insert:** "1.091 1.123 1.152"

Amendment **adopted** as follows:

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HJR 2**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Fisher, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jayne, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Bixby, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Fritz, Gallik, Galvin-Halcro, Jacobson, Jent, Juneau, Keane, Laslovich, Lee, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Wanzenried.

Total 25

Excused: None.

Total 0

Absent or not voting: Forrester, Somerville.

Total 2

**SB 175** - Representative Laslovich moved **SB 175** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Total 83

Noes: Bixby, Branae, Dell, Fritz, Gallik, Galvin-Halcro, Gillan, Hurdle, Jayne, Juneau, Keane, Lee, Lindeen, Musgrove, Newman, Smith, Wanzenried.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 42** - Representative Wanzenried moved **SB 42** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 52** - Representative Laszloffy moved **SB 52** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 53** - Representative E. Clark moved **SB 53** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Bixby, Branae, Cyr, Dell, Eggers, Facey, Fritz, Gallik, Gillan, Golie, Gutsche, Hurdle, Laslovich, Lee, Lindeen, Mangan, Newman, Raser, Schmidt, Smith, Wanzenried.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Galvin-Halcro.

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 129, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

**HB 241, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

**HB 609** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Eggers.

Total 1

**SB 23, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**SB 55** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 161** concurred in as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McCann, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.

Total 67

Noes: Adams, Andersen, Balyeat, R. Brown, Clancy, P. Clark, Curtiss, Davies, Eggers, Esp, Fritz, Fuchs, Galvin-Halcro, Golie, Gutsche, Himmelberger, Hurdle, Kasten, Laible, Laszloffy, Lewis, Lindeen, McKenney, Musgrove, Newman, Pattison, Raser, Smith, Tropila, Vick, Wanzenried, Witt, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 168, as amended by the House**, concurred in as follows:

Ayes: Bales, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Thomas, Waddill, Wolery, Younkin.

Total 53

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Dell, Eggers, Esp, Fisher, Forrester, Fuchs, Golie, Hedges, Himmelberger, Holden, Jayne, Kasten, Laszloffy, Lewis, Masolo, McKenney, Mood, Olson, Pattison, Rice, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Tramelli,

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 234** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 269** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Shockley requested on **SB 52**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Price requested on **SB 234**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Keane moved that **HB 177** be taken from the table in the Committee on Appropriations and rereferred to third reading on Legislative Day 58. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Price, Raser, Rice, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried, Wolery.  
Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 51

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved to suspend the rules for the late drafting, introduction, and transmittal of a resolution. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 2001

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, March 14, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 14, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Schrumpf. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-third, fifty-fourth, and fifty-fifth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Representative Holden led the House in singing Happy Birthday to Representative Dale.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/14/2001

Correctly printed: **HB 236, HB 348, HB 468, HB 608, HB 618, SB 94, SB 108, SB 117, SB 135, SB 141, SB 221, SB 274, SB 344, SB 357, SB 382, SB 394.**

Correctly engrossed: **HJR 2, SB 42, SB 52, SB 53, SB 175.**

Correctly enrolled: **HB 129, HB 143, HB 241, HB 294, HB 354.**

Examined by the sponsor and found to be correct: **HB 127, HB 129, HB 134, HB 143, HB 157, HB 241, HB 263, HB 267, HB 294, HB 298, HB 329, HB 336, HB 354, HB 365, HB 391, HB 393, HJR 14, HJR 15, HJR 22.**

Signed by the Speaker at 4:35 p.m., March 13, 2001: **HB 148, HB 174, HB 175, HB 238, HB 268, HB 281, HB 286, HB 300, HB 358, HB 458, HB 462, HJR 9, HJR 11.**

**AGRICULTURE** (Hedges, Chairman): 3/14/2001

**SB 259**, be concurred in. Report adopted.

**APPROPRIATIONS** (Vick, Chairman): 3/14/2001

**HB 7**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "GRANTS;"

**Insert:** "AMENDING SECTION 2, CHAPTER 419, LAWS OF 1999;"

2. Page 2, line 24.

**Strike:** "300,000"

**Insert:** "250,000"

3. Page 3, line 2.

**Strike:** "Mineral Reclamation Project"

**Insert:** "Organic Soil Amendments"

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

4. Page 3, line 4.

**Strike:** "Mineral Reclamation Project"

**Insert:** "Zortman Mine - Ruby Gulch Tailings Removal"

5. Page 3.

**Following:** line 4

**Insert:** "The state grant is subject to receipt of federal funds to complete tailings removal and stream channel restoration above, within, and below the Zortman townsite."

6. Page 3.

**Strike:** lines 5 and 6 in their entirety

7. Page 3, line 9.

**Strike:** "100,000"

**Insert:** "150,000"

8. Page 3, line 11.

**Strike:** "50,000"

**Insert:** "100,000"

9. Page 3, lines 16 and 17.

**Strike:** lines 16 and 17 in their entirety

10. Page 3, line 18.

**Following:** line 17

**Insert:** "DEPARTMENT OF ENVIRONMENTAL QUALITY\* 300,000  
Gregory Mine Reclamation Project"

11. Page 4, line 29.

**Following:** line 28

**Insert:** "**Section 6.** Section 2(2), Chapter 419, Laws of 1999, is amended to read: "**Section 2. Approved grant projects.** (2) The following are the grants program prioritized projects and activities:

Applicant/Project Grant Amount

MONTANA BOARD OF OIL AND GAS CONSERVATION\*

1999 "A" Orphaned Well Plug and Abandonment and Site Restoration\$300,000

MONTANA BOARD OF OIL AND GAS CONSERVATION\*

1999 "B" Orphaned Well Plug and Abandonment and Site Restoration300,000

~~ENVIRONMENTAL QUALITY, DEPARTMENT OF\*~~

~~Toston Smelter Reclamation Project300,000~~

~~ENVIRONMENTAL QUALITY, DEPARTMENT OF\*~~

~~Frohner Mine Reclamation Project300,000~~

~~ENVIRONMENTAL QUALITY, DEPARTMENT OF\*~~

~~Great Republic Smelter Reclamation Project300,000~~

PARK CONSERVATION DISTRICT\*

Upper Yellowstone River Cumulative Effects Investigation299,940

TOOLE COUNTY\*

Toole County Plugging and Abandonment, Aid to Independent Small Oil Operators300,000

BUTTE-SILVER BOW LOCAL GOVERNMENT

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

Upper Clark Fork Basin: Superfund Technical Assistance 95,236  
FERGUS COUNTY CONSERVATION DISTRICT\*  
Central Montana Artesian Basin Ground Water Project 150,000  
TOOLE COUNTY  
North Toole County Reclamation Project 150,000  
BUTTE-SILVER BOW LOCAL GOVERNMENT  
Mining City Mineyard Preservation and Enhancement 297,104  
TOWNSEND, CITY OF  
East Pacific Mine Reclamation 202,500  
MONTANA TECH OF THE UNIVERSITY OF MONTANA  
Champion International Gravel Pit Reclamation Project 57,494  
LEWISTOWN, CITY OF  
Source Location of Hazardous Organic Contaminants Spring Creek Drainage 50,000  
GLASGOW IRRIGATION DISTRICT  
St. Mary Diversion Repairs 110,818  
MONTANA BOARD OF OIL AND GAS CONSERVATION  
Oil Well Abandonment 20,105

The board of oil and gas conservation is authorized to expend remaining funds from grants to the board in this subsection (2) and remaining funds from grants previously awarded to the board to pay for the proper plugging of additional abandoned oil and gas wells. In determining which wells to plug, abandoned wells that represent the greatest threat to the environment and public health and safety should be given priority over all others."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 57**, do pass. Report adopted.

**HB 348**, introduced bill, be amended as follows:

1. Page 2, line 23.

**Following:** the first "JULY 1,"

**Strike:** "2001, 2%"

**Insert:** "2002, 1%"

**Following:** "AND"

**Strike:** "3.5%"

**Insert:** "1.75%"

**Strike:** "2005"

**Insert:** "2004"

2. Page 2, line 26.

**Following:** the first "JULY 1,"

**Strike:** "2001, 4.5%"

**Insert:** "2002, 2.25%"

**Following:** "AND"

**Strike:** "6.5%"

**Insert:** "3.25%"

3. Page 2, line 27.

**Strike:** "2005"



HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

**Insert:** "2004"

4. Page 7, line 4.

**Strike:** "2001"

**Insert:** "2002"

And, as amended, do pass. Report adopted.

**HB 468**, introduced bill, be amended as follows:

1. Title, line 7

**Following:** "HOSPITALS"

**Insert:** ", HEALTH CARE FACILITIES, AND HEALTH CARE PROVIDERS THAT PROVIDE OBSTETRIC SERVICES"

2. Page 1, line 15.

**Strike:** "and"

**Insert:** ", "

**Following:** "families"

**Insert:** ", and primary health care providers"

3. Page 2, line 26.

**Following:** "director"

**Insert:** "and must include the coordinator of part C services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1437, and a representative of a parenting organization"

4. Page 2, line 30.

**Strike:** "A"

**Insert:** "Each"

**Strike:** "or"

**Insert:** ", "

5. Page 3, line 1.

**Following:** "facility"

**Insert:** ", or health care provider that provides obstetric services"

6. Page 3, line 4.

**Strike:** "or"

**Insert:** ", "

**Following:** "facility"

**Insert:** ", or health care provider that provides obstetric services"

7. Page 3, line 9.

**Strike:** "and"

8. Page 3, line 10.

**Following:** "administered"

**Insert:** ";

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

- (e) the number of infants who received followup care; and
- (f) the number of infants with hearing impairment"

9. Page 3, line 12.

**Following:** "appropriated"

**Insert:** "up to"

10. Page 3, line 13.

**Following:** the first "the"

**Strike:** "general fund"

**Insert:** "state special revenue account, provided for in 53-19-310,"

11. Page 3, line 14.

**Following:** "services"

**Insert:** "to be used"

**Following:** the first "the"

**Strike:** "administration of the universal"

**Insert:** "purchase of"

**Following:** "screening"

**Strike:** "program"

**Insert:** "equipment"

And, as amended, do pass. Report adopted.

**HB 615**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/14/2001

**SB 141**, be amended as follows:

1. Title, line 5.

**Strike:** "ANY"

**Insert:** "AND COPY THE INDIVIDUAL'S"

2. Title, line 6.

**Strike:** "THAT RELATES TO THE INDIVIDUAL"

3. Page 1, line 13.

**Following:** "inspect"

**Strike:** "any"

**Insert:** "and copy, at the individual's own cost, the individual's"

4. Page 1, line 14.

**Strike:** "OF THE INDIVIDUAL"

**Insert:** "as"

5. Page 1, line 15.

**Following:** "interest"

**Strike:** "that relates to that individual"

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

And, as amended, be concurred in. Report adopted.

**SB 221**, be amended as follows:

1. Page 2, line 14.

**Following:** "agency;"

**Insert:** "(f) the expansion of the geographical service area of a home health agency;"

**Renumber:** subsequent subsections

2. Page 2, line 22.

**Following:** "agency;"

**Insert:** "nonfederal home health agency, a"

3. Page 2, line 23.

**Following:** "facility;"

**Insert:** ", "

4. Page 2, line 27.

**Strike:** "(1)(g)"

**Insert:** "(1)(h)"

5. Page 2, line 30.

**Strike:** "a nonfederal home health agency."

**Following:** "facility"

**Strike:** "with inpatient services."

6. Page 3, line 1 through line 2.

**Following:** "services" on line 1

**Strike:** remainder of line 1 through "416" on line 2

And, as amended, be concurred in. Report adopted.

**SB 253**, be concurred in. Report adopted.

**SB 274**, be amended as follows:

1. Title, line 7.

**Strike:** "AND"

2. Title, line 9.

**Following:** "PLAN"

**Insert:** "; AND PROVIDING THAT THE INFORMATION MAY BE REQUESTED ONCE PER YEAR"

3. Page 2, lines 1 and 2.

**Strike:** "WITH" on line 1 through "employees" on line 2

**Insert:** "that provides group health insurance for its employees, except that a business with between 2 and 50 employees is not subject to the provisions of this section"

4. Page 2, following line 5.

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

**Insert:** "(4) Information that is obtainable pursuant to the provisions of this section may not be requested more than once during any calendar year."

And, as amended, be concurred in. Report adopted.

**SB 305**, be concurred in. Report adopted.

**SB 357**, be amended as follows:

1. Page 6, line 25.

**Strike:** "and"

2. Page 7, line 2.

**Following:** "any"

**Insert:** ";

- (o) all of the life expectancies obtained in the process of determining the price paid to the viator;
- (p) a description and amount of any loan or other encumbrance against or in connection with the policy; and
- (q) that the viatical settlement purchaser is encouraged to consult with an attorney, accountant, or financial planner who is not affiliated with the viatical settlement broker or viatical settlement provider prior to purchase"

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/13/2001

**SB 108**, be amended as follows:

1. Title, line 5.

**Following:** "DEFINING"

**Insert:** "'MENTAL HEALTH PROFESSIONAL" AND"

2. Title, line 6.

**Following:** "NURSES" in two places

**Insert:** "WITH A CLINICAL SPECIALTY IN PSYCHIATRIC MENTAL HEALTH NURSING" in two places

3. Title, line 8.

**Following:** line 7

**Insert:** "27-1-1101,"

4. Page 1, line 11.

**Following:** the enacting clause

**Insert:** "Section 1. Section 27-1-1101, MCA, is amended to read:

"**27-1-1101. Definition.** As used in this part, "mental health professional" means:

- (1) a certified professional person as defined in 53-21-106;
- (2) a physician licensed under Title 37, chapter 3;
- (3) a professional counselor licensed under Title 37, chapter 23;
- (4) a psychologist licensed under Title 37, chapter 17; ~~or~~
- (5) a social worker licensed under Title 37, chapter 22; or
- (6) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing."

**Renumber:** subsequent sections

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

5. Page 3, line 3.

**Following:** "nurse"

**Insert:** "with a clinical specialty in psychiatric mental health nursing"

6. Page 3, line 4.

**Following:** "nurse"

**Insert:** "with a clinical specialty in psychiatric mental health nursing"

7. Page 3, line 8.

**Following:** "nurse"

**Insert:** "with a clinical specialty in psychiatric mental health nursing"

And, as amended, be concurred in. Report adopted.

**SB 135**, be amended as follows:

1. Title, line 7 through line 8.

**Strike:** "GRANTING SUBPOENA POWER;"

2. Page 1, line 24 through line 25.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**SB 169**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/12/2001

**SB 111** - the House Education Committee, according to Rule 30-5(3)(a)(i), by a vote of 12-6, voted that **SB 111** be referred to the House Judiciary Committee.

**TRANSPORTATION** (Somerville, Chairman):

3/14/2001

**SJR 11**, be concurred in. Report adopted.

**SB 237**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in:

3/13/2001

**SB 20**, introduced by Halligan

**SB 165**, introduced by Cole

**SB 209**, introduced by Waterman

**SB 252**, introduced by Cocchiarella

House bills concurred in and returned to the House:

3/13/2001

**HB 143**, introduced by Somerville

**HB 294**, introduced by Lewis

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

**HB 354**, introduced by Lawson

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/13/2001

**HB 179**, introduced by Dell

**HB 216**, introduced by Himmelberger

**HB 249**, introduced by Laslovich

**MESSAGES FROM THE GOVERNOR**

March 13, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 113** sponsored by Representative Devlin on March 13, 2001.

Sincerely,

JUDY MARTZ  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laslovich in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 121** - Representative Sliter moved consideration of **HB 121** be placed below **HB 31** on the second reading board. Motion carried.

**HB 31** - Representative Juneau moved **HB 31** do pass.

Representative D. Brown moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley,

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Bixby, Branae, Buzzas, P. Clark, Eggers, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Lee, Newman, Smith, Somerville, Tramelli, Tropila, Wanzenried.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 31** do pass carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Price, Raser, Rice, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Waitschies, Wanzenried, Younkin.

Total 56

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, Mood, Pattison, A. Peterson, K. Peterson, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 121** - Representative moved that the debate on **HB 121** be limited to twenty minutes. Motion carried.

**HB 121** - Representative Mood moved **HB 121** do pass.

**HB 121** - Representative Olson moved **HB 121**, second reading copy, be amended as follows :

1. Page 7, line 16.

**Strike:** ", 4,"

2. Page 7, line 17.

**Strike:** "July" through "2001"

**Insert:** "on passage and approval"

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

3. Page 7.

**Following:** line 22

**Insert:** "(4) [Section 4] is effective July 1, 2001."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Barrett, Forrester.

Total 2

Excused: None.

Total 0

Absent or not voting: Facey.

Total 1

Motion that **HB 121**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Adams, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Waddill, Wanzenried.

Total 42

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**SB 90** - Representative E. Clark moved **SB 90** be concurred in.



HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

**SB 90** - Representative Somerville moved **SB 90**, second reading copy, be amended as follows :

1. Page 20, line 21.

**Strike:** "UNDERSTANDING"

**Insert:** "information"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Mangan, Wolery.

Total 2

Excused: None.

Total 0

Absent or not voting: McCann, Price.

Total 2

Motion that **SB 90**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Mangan.

Total 1

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

**SB 91** - Representative Bales moved **SB 91** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 95

Noes: Galvin-Halcro, Sliter, Vick.

Total 3

Excused: None.

Total 0

Absent or not voting: McCann, Mr. Speaker.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

**SB 33, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Fritz.

Total 1

Excused: None.

Total 0

Absent or not voting: Facey, McCann, Ripley.

Total 3

**SB 42** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McCann, Musgrove.

Total 2

**SB 52, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 53** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**SB 175** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Bixby, Branae, Buzzas, Eggers, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jayne, Kaufmann,

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

Keane, Lee, Lindeen, Mood, Musgrove, Newman, Raser, Schmidt, Wanzenried.  
Total 22

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Hedges, Chairman): 3/14/2001  
**SB 81**, be concurred in. Report adopted.

**APPROPRIATIONS** (Vick, Chairman): 3/14/2001  
**HB 613**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/14/2001  
**SB 56**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman): 3/14/2001  
**SB 282**, be amended as follows:

1. Page 5, line 14.

**Strike:** ", except that the"

**Insert:** ". The"

**Strike:** "claims"

**Insert:** "costs incurred under this section"

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 29  
Report No. 1, March 13, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 29** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 29** (reference copy – salmon) be amended as follows:

1. Page 2, line 16.

**Strike:** "FOR A PERIOD OF 18 MONTHS"

2. Page 2, lines 19 and 20.

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

**Strike:** "SUBJECT" on line 19 through "FAILURE" on line 20

**Insert:** "Failure"

For the House:

Noennig, Chairman  
Harris  
K. Peterson

For the Senate:

Grimes, Chairman  
Halligan  
Miller

**MOTIONS**

Representative Gallik requested on **SB 175**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Sliter moved that **HB 121** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried.

Representative Sliter moved that **HB 31** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 7:30 a.m., Thursday, March 15, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER

DAN MCGEE

HOUSE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 14, 2001

Chief Clerk of the House

Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 15, 2001

House Chambers  
State Capitol

House convened at 7:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Jacobson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the honorary pages of the week:

Marissa Stockton, Helena  
Ashley Fuchs, Billings

Representative Bookout-Reinicke presented Representative Laslovich with an award for the "*Most Attractive Legs*" on the House Basketball Team. The House came away with the trophy from last night's game (until the Senate abducted it, leaving a ransom note in its place!) The score: House/50 and Senate/47.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/15/2001

Correctly printed: **HB 57, SB 56, SB 81, SB 169, SB 237, SB 253, SB 259, SB 305, SJR 11.**

Correctly engrossed: **HB 121, SB 90, SB 91.**

Correctly enrolled: **HB 27, HB 160, HB 321, HB 392.**

Examined by the sponsor and found to be correct: **HB 27, HB 160, HB 321, HB 392, HB 443.**

Delivered to the Governor for her approval at 1:40 p.m., March 15, 2001: **HB 148, HB 174, HB 175, HB 238, HB 268, HB 281, HB 286, HB 300, HB 358, HB 458, HB 462.**

Delivered to the Secretary of State at 8:45 a.m., March 15, 2001: **HJR 9, HJR 11.**

**APPROPRIATIONS** (Vick, Chairman):

3/14/2001

**HB 12**, do pass. Report adopted.

**HB 572**, introduced bill, be amended as follows:

1. Page 4, line 4.

**Strike:** "(7)"

**Insert:** "(8)"

2. Page 4, line 8.

**Strike:** "(7)"

**Insert:** "(8)"

3. Page 4.

**Following:** line 17

**Insert:** "(7) Conservation district administrative expenses for services provided under this section are eligible costs for reimbursement from the coal bed methane protection account."

**Renumber:** subsequent subsections



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

4. Page 4, line 18.

**Strike:** "(7)(b)"

**Insert:** "(8)(b)"

5. Page 5, line 2.

**Following:** "proceeds"

**Insert:** "of the resource indemnity and ground water assessment tax"

6. Page 5, line 4.

**Following:** "proceeds"

**Insert:** "of the resource indemnity and ground water assessment tax"

7. Page 5, line 25.

**Following:** "proceeds"

**Insert:** "of the resource indemnity and ground water assessment tax"

8. Page 5, line 27.

**Following:** "proceeds"

**Insert:** "of the resource indemnity and ground water assessment tax"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/14/2001  
**SJR 18**, be amended as follows:

1. Page 1, line 14.

**Following:** "increase"

**Strike:** "access to the middle class for"

**Insert:** "the spendable income of"

2. Page 1, line 15.

**Following:** "all"

**Strike:** "middle class"

**Following:** "families"

**Strike:** "more"

And, as amended, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman): 3/14/2001  
**SB 104**, be amended as follows:

1. Page 3, line 1.

**Following:** "dog"

**Insert:** ", on public land or on private land at the request of the landowner,"

2. Page 3, line 9.

**Strike:** "GUARD"

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

3. Page 3, line 10.

**Following:** "HUMANS."

**Insert:** "lawns, gardens,"

4. Page 3, line 19.

**Following:** "so"

**Insert:** ", under this subsection,"

**Following:** "shall"

**Insert:** ", within 72 hours,"

**Following:** "department"

**Strike:** "within 72 hours"

**Insert:** "and surrender or arrange to surrender the wildlife to the department"

And, as amended, be concurred in. Report adopted.

**SB 285**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

3/14/2001

**SB 144**, be concurred in. Report adopted.

**SB 187**, be concurred in. Report adopted.

**SB 190**, be concurred in. Report adopted.

**SB 265**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

3/14/2001

**SB 89**, be concurred in. Report adopted.

**SB 256**, be concurred in. Report adopted.

**SB 306**, be amended as follows:

1. Page 1, line 20.

**Strike:** "credible"

**Insert:** "membership"

2. Page 2, line 30.

**Strike:** "credible"

**Insert:** "membership"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

3/14/2001

**SB 273**, introduced by Stapleton

**SB 486**, introduced by DePratu

House bills concurred in and returned to the House:

3/14/2001

**HB 27**, introduced by Musgrove

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**HB 160**, introduced by Andersen  
**HB 321**, introduced by D. Brown  
**HB 392**, introduced by Masolo

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/14/2001

**HB 120**, introduced by McKenney  
**HB 142**, introduced by Somerville  
**HB 201**, introduced by Davies  
**HB 218**, introduced by Facey  
**HB 230**, introduced by Price  
**HB 265**, introduced by Facey  
**HB 331**, introduced by Eggers

**MESSAGES FROM THE GOVERNOR**

March 14, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 83** sponsored by Representative Matthews and **House Bill 111** sponsored by Representative Lawson on March 14, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 273**, introduced by Stapleton, referred to Taxation.  
**SB 486**, introduced by DePratu, Berry, Bohlinger, Ekegren, Mahlum, McNutt, Taylor, referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 2** adopted as follows:

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Bixby, Carney, P. Clark, Cyr, Facey, Gallik, Galvin-Halcro, Hurdle, Jacobson, Jent, Juneau, Keane, Laslovich, Lindeen, Musgrove, Newman, Raser, Schmidt, Wanzenried.

Total 19

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**SB 91** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**SB 260** - Representative Sliter moved consideration of **SB 260** be placed at the top of the second reading board. Motion carried.

**SB 260** - Representative Waddill moved **SB 260** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Esp, Lenhart, Pattison, Waitschies.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 194** - Representative Kasten moved **SB 194** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bixby, Cyr.

Total 2

**SB 166** - Representative Schmidt moved **SB 166** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cyr.

Total 1

**SB 8** - Representative Jent moved **SB 8** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Bales, R. Brown, Brueggeman, Curtiss, Fuchs, Holden.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 10** - Representative Mood moved **SB 10** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 97

Noes: Mr. Speaker.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Cyr, Mood.  
Total 2

**SB 199** - Representative Esp moved **SB 199** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Erickson, Fritz, Galvin-Halcro, Golie, Gutsche, Hurdle, Juneau, Lenhart, Musgrove, Tramelli.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 257** - Representative Schrumpf moved **SB 257** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 268** - Representative Vick moved **SB 268** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Fritz, Hurdle, McCann, K. Peterson, Whitaker.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Mood.  
Total 1

**SJR 4** - Representative Smith moved **SJR 4** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: R. Brown.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Schmidt.  
Total 1



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**SB 164** - Representative Sliter moved **SB 164** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, Balyeat, Esp, Fuchs, Laible, Laszloffy, Lenhart, Thomas, Whitaker.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Steinbeisser.  
Total 1

**SB 370** - Representative Sliter moved **SB 370** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 82

Noes: Adams, Balyeat, E. Clark, Davies, Devlin, Esp, Himmelberger, Kasten, Laible, Laszloffy, K. Peterson, Rice, Story, Vick, Waitschies, Witt.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Lewis, Masolo.  
Total 2

**SB 228** - Representative Mood moved **SB 228** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Kasten, K. Peterson, Vick, Waitschies.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 74** - Representative Steinbeisser moved **SB 74** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Branae, P. Clark, Eggers, Erickson, Esp, Laslovich, Newman, Noennig, K. Peterson, Raser, Tropila, Waddill.

Total 12

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**SB 421** - Representative Steinbeisser moved **SB 421** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Eggers, Juneau.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Fritz, Galvin-Halcro, Gillan, Gutsche, Harris, Keane, Schmidt.  
Total 7

Majority Leader Sliter moved that the House recess until 9:30 a.m. Motion carried.

House recessed at 8:47 a.m.

House reconvened at 9:30 a.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Vick moved **HB 2** do pass.

Representative Davies gave opening remarks on **HB 2**, Section A: General Government and Transportation.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Representative R. Brown and Speaker McGee excused at this time.

**HB 2** - Representative Gillan moved **HB 2**, second reading copy, be amended as follows :

1. Page BP-2, following line 6.

**Insert:** "NEW SECTION. Section 8. Education funding with budget savings. It is the intent of the legislature that any net general fund savings in [this act] generated by house committee of the whole amendments on second reading be used to fund a like increase in the general fund appropriation for BASE aid distribution to public schools."

**Renumber:** subsequent sections

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Younklin.

Total 47

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 53

Voted Absentee: R. Brown, Mr. Speaker, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be amended as follows :

1. Page BP-2, following line 6.

**Insert:** "NEW SECTION. Section 8. FTE funding reduction. The budgets for some agencies include reductions in funding equivalent to 2.5% of all fiscal 2002 full-time equivalent employees requested in the executive budget. It is the intent of the legislature that at least 60% of the positions eliminated be grade level 15 or above."

**Renumber:** subsequent sections

2. Page A-1, line 4.

**Strike:** "4,217,074 4,518,440" [General Fund FY02 and FY03]

**Insert:** "4,159,440 4,460,606" [General Fund FY02 and FY03]

3. Page A-1, line 10.

**Strike:** "1,376,921 1,311,929" [State Special FY02 and FY03]

**Insert:** "1,360,939 1,295,891" [State Special FY02 and FY03]

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

4. Page A-1, line 14.

**Strike:** "\$35,908"

**Insert:** "\$93,542"

**Strike:** "\$36,036"

**Insert:** "\$93,870"

**Strike:** "\$9,958"

**Insert:** "\$25,940"

5. Page A-1, line 15.

**Strike:** "\$9,993"

**Insert:** "\$26,031"

**Strike:** "1.25"

**Insert:** "3.25"

6. Page A-2, line 1.

**Strike:** "2,960,280 2,976,438" [General Fund FY02 and FY03]

**Insert:** "2,928,544 2,944,592" [General Fund FY02 and FY03]

**Strike:** "1,146,531 1,071,519" [State Special FY02 and FY03]

**Insert:** "1,142,118 1,067,090" [State Special FY02 and FY03]

**Strike:** "363,207 363,205" [Federal FY02 and FY03]

**Insert:** "362,548 362,544" [Federal FY02 and FY03]

7. Page A-2, line 21.

**Strike:** "\$24,948"

**Insert:** "\$56,684"

**Strike:** "\$3,469"

**Insert:** "\$7,882"

**Strike:** "\$518"

**Insert:** "\$1,177"

**Strike:** "\$25,033"

**Insert:** "\$56,879"

8. Page A-2, line 22.

**Strike:** "\$3,481"

**Insert:** "\$7,910"

**Strike:** "\$520"

**Insert:** "\$1,181"

**Strike:** "a 0.75"

**Insert:** "1.75"

9. Page A-2, line 23.

**Strike:** "employee"

**Insert:** "employees"

10. Page A-3, line 8.

**Strike:** "1,124,201 1,126,453" [General Fund FY02 and FY03]

**Insert:** "1,098,307 1,100,469" [General Fund FY02 and FY03]

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "285,664 286,360" [State Special FY02 and FY03]

**Insert:** "284,355 285,047" [State Special FY02 and FY03]

11. Page A-4, line 5.

**Strike:** "29,306 29,804" [Federal FY02 and FY03]

**Insert:** "28,903 29,400" [Federal FY02 and FY03]

12. Page A-4 line 11.

**Strike:** "\$19,201"

**Insert:** "\$45,095"

**Strike:** "\$970"

**Insert:** "\$2,279"

**Strike:** "\$19,261"

**Insert:** "\$45,245"

**Strike:** "\$973"

**Insert:** "\$2,286"

13. Page A-4, line 12.

**Strike:** "\$299"

**Insert:** "\$702"

**Strike:** "\$300"

**Insert:** "\$704"

14. Page A-4, line 13.

**Strike:** "a 0.5"

**Insert:** "1.25"

**Strike:** "employee"

**Insert:** "employees"

15. Page A-5, line 8.

**Strike:** "2,384,081 2,397,950" [State Special FY02 and FY03]

**Insert:** "2,358,912 2,372,693" [State Special FY02 and FY03]

16. Page A-5, line 14.

**Strike:** "329,782 332,084" [General Fund FY02 and FY03]

**Insert:** "318,143 320,405" [General Fund FY02 and FY03]

17. Page A-5, line 22.

**Strike:** "\$19,786"

**Insert:** "\$44,955"

**Strike:** "\$19,853"

**Insert:** "\$45,110"

**Strike:** "\$9,149"

**Insert:** "\$20,788"

18. Page A-5, line 23.

**Strike:** "\$9,181"

**Insert:** "\$20,860"

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "a 0.75"

**Insert:** "1.75"

**Strike:** "employee"

**Insert:** "employees"

19. Page A-6, line 11.

**Strike:** "70,994,788 73,754,289" [State Special FY02 and FY03]

**Insert:** "70,205,027 72,961,782" [State Special FY02 and FY03]

**Strike:** "296,293,538 305,575,826" [Federal FY02 and FY03]

**Insert:** "295,859,433 305,140,211" [Federal FY02 and FY03]

20. Page A-7, line 19.

**Strike:** "\$536,415"

**Insert:** "\$1,326,176"

**Strike:** "\$294,850"

**Insert:** "\$728,955"

**Strike:** "\$538,286"

**Insert:** "\$1,330,793"

21. Page A-7, line 20.

**Strike:** "\$295,878"

**Insert:** "\$731,493"

**Strike:** "22.25"

**Insert:** "55.5"

22. Page A-8, line 11.

**Strike:** "1,076,056 1,080,489" [Proprietary FY02 and FY03]

**Insert:** "1,061,719 1,066,102" [Proprietary FY02 and FY03]

23. Page A-8, line 17.

**Strike:** "72,304,369 72,379,065" [General Fund FY02 and FY03]

**Insert:** "71,980,698 72,054,268" [General Fund FY02 and FY03]

**Strike:** "182,827 183,153" [State Special FY02 and FY03]

**Insert:** "177,913 178,222" [State Special FY02 and FY03]

**Strike:** "1,062,274 1,113,740" [Federal FY02 and FY03]

**Insert:** "1,037,116 1,088,494" [Federal FY02 and FY03]

24. Page A-8, line 23.

**Strike:** "\$9,538"

**Insert:** "\$23,875"

**Strike:** "\$9,571"

**Insert:** "\$23,958"

**Strike:** "\$215,326"

**Insert:** "\$538,997"

25. Page A-8, line 24.

**Strike:** "\$3,269"

**Insert:** "\$8,183"

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "\$16,737"  
**Insert:** "\$41,895"  
**Strike:** "\$216,071"  
**Insert:** "\$540,868"  
**Strike:** "\$3,280"  
**Insert:** "\$8,211"

26. Page A-8, line 25.

**Strike:** "\$16,795"  
**Insert:** "\$42,041"  
**Strike:** "6.5"  
**Insert:** "16.5"

27. Page A-9, line 7.

**Strike:** "63,978 62,113" [Federal FY02 and FY03]  
**Insert:** "63,442 61,575" [Federal FY02 and FY03]

28. Page A-10, line 2.

**Strike:** ""1,091,660 1,094,083" [General Fund FY02 and FY03]  
**Insert:** "1,057,488 1,059,793" [General Fund FY02 and FY03]  
**Strike:** "19,492 20,268" [State Special FY02 and FY03]  
**Insert:** "8,190 8,926" [State Special FY02 and FY03]

29. Page A-10, line 12.

**Strike:** "\$337"  
**Insert:** "\$873"  
**Strike:** "\$338"  
**Insert:** "\$876"  
**Strike:** "\$21,490"  
**Insert:** "\$55,662"

30. Page A-10, line 13.

**Strike:** "\$7,108"  
**Insert:** "\$18,410"  
**Strike:** "\$21,564"  
**Insert:** "\$55,854"  
**Strike:** "\$7,132"  
**Insert:** "\$18,474"

31. Page A-10, line 14.

**Strike:** "a 0.75"  
**Insert:** "2"  
**Strike:** "employee"  
**Insert:** "employees"

32. Page B-4, line 11.

**Strike:** "10,246,727 9,980,870" [General Fund FY02 and FY03]  
**Insert:** "9,440,854 9,172,195" [General Fund FY02 and FY03]



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "2,426,359 3,022,857" [State Special FY02 and FY03]

**Insert:** "2,225,746 2,821,547" [State Special FY02 and FY03]

**Strike:** "15,480,038 15,914,677" [Federal FY02 and FY03]

**Insert:** "14,931,385 15,364,116" [Federal FY02 and FY03]

33. Page B-7, line 8.

**Strike:** "\$542,660"

**Insert:** "\$1,348,533"

**Strike:** "\$135,089"

**Insert:** "\$335,702"

**Strike:** "\$369,453"

**Insert:** "\$918,106"

34. Page B-7, line 9.

**Strike:** "\$544,550"

**Insert:** "\$1,353,225"

**Strike:** "\$135,560"

**Insert:** "\$336,870"

**Strike:** "\$370,740"

**Insert:** "\$921,301"

35. Page B-7, line 10.

**Strike:** "28"

**Insert:** "70.25"

36. Page C-2, line 15.

**Strike:** "279,256 279,255" [General Fund FY02 and FY03]

**Insert:** "278,934 278,932" [General Fund FY02 and FY03]

**Strike:** "4,362,592 4,408,016" [State Special FY02 and FY03]

**Insert:** "4,138,109 4,182,753" [State Special FY02 and FY03]

**Strike:** "177,122 176,869" [Federal FY02 and FY03]

**Insert:** "79,857 79,266" [Federal FY02 and FY03]

37. Page C-5, line 4.

**Strike:** "\$224"

**Insert:** "\$546"

**Strike:** "\$156,407"

**Insert:** "\$380,890"

**Strike:** "\$67,792"

**Insert:** "\$165,057"

**Strike:** "\$225"

**Insert:** "\$548"

38. Page C-5, line 5.

**Strike:** "\$156,952"

**Insert:** "\$382,215"

**Strike:** "\$68,027"

**Insert:** "\$165,630"

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "6"

**Insert:** "14.75"

39. Page C-7, line 16.

**Strike:** "1,203,624 1,170,941" [General Fund FY02 and FY03]

**Insert:** "1,172,630 1,139,839" [General Fund FY02 and FY03]

**Strike:** "8,220,687 8,280,854" [State Special FY02 and FY03]

**Insert:** "8,132,523 8,192,383" [State Special FY02 and FY03]

**Strike:** "3,658,575 3,643,607" [Federal FY02 and FY03]

**Insert:** "3,575,290 3,560,032" [Federal FY02 and FY03]

40. Page C-8, line 23.

**Strike:** "\$21,608"

**Insert:** "\$52,602"

**Strike:** "\$61,464"

**Insert:** "\$149,628"

**Strike:** "\$58,063"

**Insert:** "\$141,348"

**Strike:** "\$21,683"

**Insert:** "\$52,785"

41. Page C-8, line 24.

**Strike:** "\$61,677"

**Insert:** "\$150,148"

**Strike:** "\$58,264"

**Insert:** "\$141,839"

**Strike:** "3.75"

**Insert:** "9.25"

42. Page C-9, line 6.

**Strike:** "14,546 17,136" [General Fund FY02 and FY03]

**Insert:** "8,252 10,820" [General Fund FY02 and FY03]

**Strike:** "977,632 1,002,556" [State Special FY02 and FY03]

**Insert:** "907,038 931,716" [State Special FY02 and FY03]

**Strike:** "111,514 82,511" [Federal FY02 and FY03]

**Insert:** "105,584 76,561" [Federal FY02 and FY03]

43. Page C-10, line 15.

**Strike:** "\$4,398"

**Insert:** "\$10,692"

**Strike:** "\$49,328"

**Insert:** "\$119,922"

**Strike:** "\$4,143"

**Insert:** "\$10,073"

**Strike:** "\$4,413"

**Insert:** "\$10,729"

44. Page C-10, line 16.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "\$49,495"  
**Insert:** "\$120,335"  
**Strike:** "\$4,157"  
**Insert:** "\$10,107"  
**Strike:** "1.5"  
**Insert:** "3.75"

45. Page C-10, line 23.

**Strike:** "1,491,387 1,502,384" [General Fund FY02 and FY03]  
**Insert:** "1,333,177 1,343,624" [General Fund FY02 and FY03]  
**Strike:** "354,007 361,951" [State Special FY02 and FY03]  
**Insert:** "249,104 256,683" [State Special FY02 and FY03]  
**Strike:** "96,230 96,199" [Federal FY02 and FY03]  
**Insert:** "83,283 83,207" [Federal FY02 and FY03]

46. Page C-13, line 22.

**Strike:** "\$107,169"  
**Insert:** "\$265,379"  
**Strike:** "\$71,060"  
**Insert:** "\$175,963"  
**Strike:** "\$8,770"  
**Insert:** "\$21,717"  
**Strike:** "\$107,543"  
**Insert:** "\$266,303"

47. Page C-13, line 23.

**Strike:** "\$71,308"  
**Insert:** "\$176,576"  
**Strike:** "\$8,801"  
**Insert:** "\$21,793"  
**Strike:** "5"  
**Insert:** "12.5"

48. Page C-15, line 5.

**Strike:** "160,698 183,479" [General Fund FY02 and FY03]  
**Insert:** "156,022 178,786" [General Fund FY02 and FY03]  
**Strike:** "417,516 402,681" [State Special FY02 and FY03]  
**Insert:** "368,162 353,155" [State Special FY02 and FY03]  
**Strike:** "65,009 64,838" [Federal FY02 and FY03]  
**Insert:** "58,458 58,264" [Federal FY02 and FY03]  
**Strike:** "46,667 48,740" [Proprietary FY02 and FY03]  
**Insert:** "42,834 44,894" [Proprietary FY02 and FY03]

49. Page C-16, line 1.

**Strike:** "\$2,715"  
**Insert:** "\$7,391"  
**Strike:** "\$28,656"  
**Insert:** "\$78,010"

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "\$3,804"

**Insert:** "\$10,355"

**Strike:** "\$2,225"

**Insert:** "\$6,058"

50. Page C-16, line 2.

**Strike:** "\$2,725"

**Insert:** "\$7,418"

**Strike:** "\$28,755"

**Insert:** "\$78,281"

**Strike:** "\$3,817"

**Insert:** "\$10,391"

**Strike:** "\$2,233"

**Insert:** "\$6,079"

51. Page C-16, line 3.

**Strike:** "1"

**Insert:** "2.75"

**Strike:** "employee"

**Insert:** "employees"

52. Page C-16, line 24.

**Strike:** "1,149,070 1,155,556" [General Fund FY02 and FY03]

**Insert:** "1,129,870 1,136,289" [General Fund FY02 and FY03]

**Strike:** "191,601 191,405" [State Special FY02 and FY03]

**Insert:** "110,840 110,363" [State Special FY02 and FY03]

**Strike:** "4,058,000 4,058,350" [Federal FY02 and FY03]

**Insert:** "4,041,009 4,041,299" [Federal FY02 and FY03]

53. Page C-18, line 2.

**Strike:** "8,550,339 8,888,627" [Proprietary FY02 and FY03]

**Insert:** "8,529,262 8,867,477" [Proprietary FY02 and FY03]

54. Page C-18, line 25.

**Strike:** "\$13,252"

**Insert:** "\$32,452"

**Strike:** "\$55,743"

**Insert:** "\$136,504"

**Strike:** "\$11,728"

**Insert:** "\$28,719"

**Strike:** "\$13,298"

**Insert:** "\$32,565"

55. Page C-19, line 1.

**Strike:** "\$55,934"

**Insert:** "\$136,976"

**Strike:** "11,768"

**Insert:** "\$28,819"

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "\$14,548"

**Insert:** "\$35,625"

56. Page C-19, line 2.

**Strike:** "\$14,598"

**Insert:** "\$35,748"

**Strike:** "2.5"

**Insert:** "6.25"

57. Page D-2, line 9.

**Strike:** "2,787,457 2,801,067" [General Fund FY02 and FY03]

**Insert:** "2,587,002 2,599,915" [General Fund FY02 and FY03]

**Strike:** "537,570 537,142" [State Special FY02 and FY03]

**Insert:** "357,968 356,916" [State Special FY02 and FY03]

**Strike:** "761,375 761,322" [Federal Fund FY02 and FY03]

**Insert:** "745,904 745,797" [Federal Fund FY02 and FY03]

**Strike:** "10,094 10,094" [Proprietary Fund FY02 and FY03]

**Insert:** "9,936 9,935" [Proprietary Fund FY02 and FY03]

58. Page D-3, line 10.

**Strike:** "\$132,628"

**Insert:** "\$333,083"

**Strike:** "\$118,831"

**Insert:** "\$298,433"

**Strike:** "\$10,236"

**Insert:** "\$25,707"

**Strike:** "\$105"

**Insert:** "\$263"

59. Page D-3, line 11.

**Strike:** "\$133,089"

**Insert:** "\$334,241"

**Strike:** "\$119,245"

**Insert:** "\$299,471"

**Strike:** "\$10,272"

**Insert:** "\$25,797"

**Strike:** "\$105"

**Insert:** "\$264"

60. Page D-3, line 12.

**Strike:** "7"

**Insert:** "17.75"

61. Page D-3, line 24.

**Strike:** "2,426,152 2,406,861" [State Special FY02 and FY03]

**Insert:** "2,407,836 2,388,482" [State Special FY02 and FY03]

**Strike:** "15,520 15,519" [Federal Fund FY02 and FY03]

**Insert:** "15,432 15,430" [Federal Fund FY02 and FY03]

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

62. Page D-4, following line 8.

**Insert:** "Item 1 includes a reduction of \$18,316 of state special revenue and \$88 of federal special revenue in fiscal year 2002 and \$18,379 of state special revenue and \$89 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for a 0.5 full-time equivalent employee."

63. Page D-4, line 11.

**Strike:** "14,803,089 14,836,914"[General Fund FY02 and FY03]

**Insert:** "14,207,232 14,238,985"[General Fund FY02 and FY03]

**Strike:** "60,383 56,508"[Proprietary FY02 and FY03]

**Insert:** "58,110 54,227"[Proprietary FY02 and FY03]

64. Page D-4, line 23.

**Strike:** "\$401,402"

**Insert:** "\$997,259"

**Strike:** "\$1,531"

**Insert:** "\$3,804"

**Strike:** "\$402,801"

**Insert:** "\$1,000,730"

**Strike:** "\$1,536"

**Insert:** "\$3,817"

65. Page D-4, line 24.

**Strike:** "10.75"

**Insert:** "27"

66. Page D-5, line 19.

**Strike:** "134,249 134,851"[General Fund FY02 and FY03]

**Insert:** "121,453 122,010"[General Fund FY02 and FY03]

**Strike:** "429,675 434,241"[State Special FY02 and FY03]

**Insert:** "295,486 299,585"[State Special FY02 and FY03]

**Strike:** "346,757 348,158"[Federal Fund FY02 and FY03]

**Insert:** "180,874 181,699"[Federal Fund FY02 and FY03]

67. Page D-6, line 18.

**Strike:** "\$7,635"

**Insert:** "\$20,431"

**Strike:** "\$100,934"

**Insert:** "\$235,123"

**Strike:** "\$98,921"

**Insert:** "\$264,804"

**Strike:** "\$7,661"

**Insert:** "\$20,502"

68. Page D-6, line 19.

**Strike:** "\$101,282"

**Insert:** "\$235,938"

**Strike:** "\$99,263"

**Insert:** "\$265,722"

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Strike:** "5.5"

**Insert:** "14"

69. Page D-7, line 13.

**Strike:** "1,168,675 1,227,291"[General Fund FY02 and FY03]

**Insert:** "1,139,606 1,198,121"[General Fund FY02 and FY03]

**Strike:** "123,914 222,312"[State Special FY02 and FY03]

**Insert:** "123,218 221,614"[State Special FY02 and FY03]

**Strike:** "3,602,405 3,699,154"[Federal Fund FY02 and FY03]

**Insert:** "3,549,352 3,645,916"[Federal Fund FY02 and FY03]

70. Page D-8, line 13.

**Strike:** "\$20,312"

**Insert:** "\$49,381"

**Strike:** "\$486"

**Insert:** "\$1,182"

**Strike:** "\$37,072"

**Insert:** "\$90,125"

**Strike:** "\$20,381"

**Insert:** "\$49,551"

71. Page D-8, line 14.

**Strike:** "\$488"

**Insert:** "\$1,186"

**Strike:** "\$37,196"

**Insert:** "\$90,434"

**Strike:** "1.5"

**Insert:** "3.75"

72. Page E-1, line 4.

**Strike:** "4,275,066 4,295,143"[General Fund FY02 and FY03]

**Insert:** "4,241,030 4,260,988"[General Fund FY02 and FY03]

**Strike:** "167,623 167,696"[State Special FY02 and FY03]

**Insert:** "165,549 165,615"[State Special FY02 and FY03]

73. Page E-1, line 10.

**Strike:** "7,516,994 7,528,376"[Federal Fund FY02 and FY03]

**Insert:** "7,488,690 7,499,974"[Federal Fund FY02 and FY03]

74. Page E-1, line 16.

**Strike:** "432,677,022 440,553,781"[General Fund FY02 and FY03]

**Insert:** "435,121,002 443,006,259"[General Fund FY02 and FY03]

75. Page E-3.

**Strike:** line 5 through line 8

**Following:** line 8

**Insert:** "Item 1 includes a reduction of \$58,272 of general fund money and \$3,551 of state special revenue in fiscal year 2002 and \$58,477 of general fund money and \$3,563 of state special revenue in fiscal year 2003. Item

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

1c includes a reduction of \$48,458 of federal special revenue in fiscal year 2002 and \$48,627 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 3 full-time equivalent employees. The office may reallocate this reduction in FTE and funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

76. Page E-4, line 18.

**Strike:** "1,794,951 1,795,313"[General Fund FY02 and FY03]

**Insert:** "1,753,307 1,753,525"[General Fund FY02 and FY03]

**Strike:** "232,930 232,922"[State Special FY02 and FY03]

**Insert:** "229,534 229,515"[State Special FY02 and FY03]

**Strike:** "63,287 63,285"[Federal Fund FY02 and FY03]

**Insert:** "62,316 62,311"[Federal Fund FY02 and FY03]

77. Page E-4, line 24.

**Strike:** "\$26,189"

**Insert:** "\$67,833"

**Strike:** "\$2,135"

**Insert:** "\$5,531"

**Strike:** "\$611"

**Insert:** "\$1,582"

**Strike:** "\$26,279"

**Insert:** "\$68,067"

78. Page E-4, line 25.

**Strike:** "\$2,143"

**Insert:** "\$5,550"

**Strike:** "\$613"

**Insert:** "\$1,587"

**Strike:** "a 0.75"

**Insert:** "2"

79. Page E-5, line 1.

**Strike:** "employee"

**Insert:** "employees"

80. Page E-5, line 16.

**Strike:** "1,786,472 1,527,330"[General Fund FY02 and FY03]

**Insert:** "1,779,412 1,520,246"[General Fund FY02 and FY03]

**Strike:** "177,710 177,710"[State Special FY02 and FY03]

**Insert:** "173,670 173,656"[State Special FY02 and FY03]

**Strike:** "1,200,694 750,694"[Federal Fund FY02 and FY03]

**Insert:** "1,193,389 743,364"[Federal Fund FY02 and FY03]

81. Page E-6, following line 5.

**Insert:** "Item 1 includes a reduction of \$7,060 of general fund money, \$4,040 of state special revenue, and \$7,305 of federal special revenue in fiscal year 2002 and \$7,084 of general fund money, \$4,054 of state special revenue, and \$7,330 of federal special revenue in fiscal year 2003. This reduction is the equivalent of funding for 0.50 full-time equivalent employees. The commission may reallocate this reduction in FTE and funding among



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

82. Page E-6, line 15.

**Strike:** "793,693 797,553"[General Fund FY02 and FY03]

**Insert:** "780,945 784,760"[General Fund FY02 and FY03]

**Strike:** "212,243 206,870"[State Special FY02 and FY03]

**Insert:** "205,190 199,792"[State Special FY02 and FY03]

**Strike:** "53,762 54,573"[Federal Fund FY02 and FY03]

**Insert:** "49,671 50,468"[Federal Fund FY02 and FY03]

**Strike:** "67,247 67,238"[Proprietary FY02 and FY03]

**Insert:** "63,534 63,512"[Proprietary FY02 and FY03]

83. Page E-7, line 13.

**Strike:** "\$9,453"

**Insert:** "\$22,201"

**Strike:** "\$5,230"

**Insert:** "\$12,283"

**Strike:** "\$3,034"

**Insert:** "\$7,125"

**Strike:** "\$2,753"

**Insert:** "\$6,466"

84. Page E-7, line 14.

**Strike:** "\$9,483"

**Insert:** "\$22,276"

**Strike:** "\$5,246"

**Insert:** "\$12,324"

**Strike:** "\$3,043"

**Insert:** "\$7,148"

**Strike:** "\$2,762"

**Insert:** "\$6,488"

85. Page E-7, line 15.

**Strike:** "a 0.5"

**Insert:** "1.25"

**Strike:** "employee"

**Insert:** "employees"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hurdle, Jackson, Jayne, Juneau, Laible, Laslovich, Lawson, Lee, Lehman, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Total 68

Noes: Adams, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Cyr, Davies, Devlin, Esp, Gallik, Harris, Hedges, Himmelberger, Holden, Jacobson, Jent, Kasten, Kaufmann, Keane, Laszloffy, Lenhart, Lewis, Olson, A. Peterson, Rome, Shockley, Smith, Vick, Walters, Witt.

Total 32

Voted Absentee: R. Brown, Mr. Speaker, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Brown present at this time.

Representative Himmelberger excused at this time.

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended.

Representative Wanzenried withdrew his amendment for the purpose of a correction.

**HB 2** - Representative Wanzenried moved **HB 2**, corrected second reading copy, be further amended as follows :

1. Page A-6, line 5.

**Strike:** "16,299,568 16,308,506"[state special FY02 and FY03]

**Insert:** "16,248,715 16,257,464"[state special FY02 and FY03]

**Strike:** "1,249,771 1,183,602"[federal revenue FY02 and FY03]

**Insert:** "1,246,811 1,180,637"[federal revenue FY02 and FY03]

2. Page A-7.

**Following:** line 18

**Insert:** "Item 1 has been reduced by \$53,813 in total funds in fiscal year 2002 and by \$54,007 in total funds in fiscal year 2003 to reflect a reduction in the personal services budget of this department. It is the intent of the legislature that position number 54117001 be eliminated from the department. The position is a public information officer."

3. Page A-8, line 11.

**Strike:** "1,498,751 1,526,552"[general fund FY02 and FY03]

**Insert:** "1,459,317 1,486,979"[general fund FY02 and FY03]

**Strike:** "1,076,056 1,080,489"[proprietary fund FY02 and FY03]

**Insert:** "1,074,836 1,079,265"[proprietary fund FY02 and FY03]

4. Page A-8.

**Following:** line 22

**Insert:** "Item 3 has been reduced by \$40,654 in total funds in fiscal year 2002 and by \$40,797 in total funds in fiscal year 2003 to reflect a reduction in the personal services budget of this department. It is the intent of the

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

legislature that position number 58101003 be eliminated from the department. The position is a public information officer."

5. Page B-3, line 8.

**Strike:** "575,820 579,713"[general fund FY02 and FY03]

**Insert:** "565,302 569,126"[general fund FY02 and FY03]

**Strike:** "1,304,290 1,366,683"[state special FY02 and FY03]

**Insert:** "1,296,834 1,359,198"[state special FY02 and FY03]

**Strike:** "794,116 799,078"[federal revenue FY02 and FY03]

**Insert:** "771,777 776,653"[federal revenue FY02 and FY03]

6. Page B-6.

**Following:** line 17

**Insert:** "Item 3 has been reduced by \$40,313 in total funds in fiscal year 2002 and by \$40,497 in total funds in fiscal year 2003 to reflect a reduction in the personal services budget of this department. It is the intent of the legislature that position number 69111010 be eliminated from the department. The position is a public information officer."

7. Page C-10.

**Following:** line 18

**Insert:** "Item 1 has been reduced by \$36,176 in total funds in fiscal year 2002 and by \$36,301 in total funds in fiscal year 2003 to reflect a reduction in the personal services budget of this department. It is the intent of the legislature that position number 56300004 be eliminated from the department. The position is a public information officer."

8. Page C-10, line 23.

**Strike:** "1,491,387 1,502,384"[general fund FY02 and FY03]

**Insert:** "1,457,880 1,468,736"[general fund FY02 and FY03]

9. Page C-13.

**Following:** line 21

**Insert:** "Item 1 has been reduced by \$33,507 in total funds in fiscal year 2002 and by \$33,648 in total funds in fiscal year 2003 to reflect a reduction in the personal services budget of this department. It is the intent of the legislature that position number 10096 be eliminated from the department. The position is a public information officer."

10. Page E-1, line 16.

**Strike:** "432,677,022 440,553,781"

**Insert:** "432,762,145 440,639,440"

Amendment **adopted** as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Davies, Dell, Devlin, Eggers, Esp, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Juneau, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Pattison, K. Peterson, Raser, Rice, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Wanzenried, Wolery, Younkin.

Total 60

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Noes: Adams, Bales, Barrett, R. Brown, Clancy, Curtiss, Cyr, Dale, Erickson, Fisher, Fuchs, Gallik, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Laszloffy, Masolo, Mood, Newman, Noennig, Olson, A. Peterson, Price, Ripley, Rome, Shockley, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 40

Voted Absentee: Himmelberger, Mr. Speaker, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Facey moved **HB 2**, second reading copy, be further amended as follows :

1. Page A-3, following line 10.

**Insert:** "b. Rail Passenger Advisory Council(Restricted)  
2,000 2,000" [state special revenue in fiscal years 2002 and 2003]

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Mangan, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Voted Absentee: Himmelberger, Mr. Speaker, Noes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 2** - Representative Gutsche moved **HB 2**, second reading copy, be further amended as follows :

1. Page A-7, following line 10.

**Insert:** "c. Safe Routes to Schools (Restricted/Biennial)"

**Insert:** "250,000 250,000"[Federal Special Revenue in FY02 and FY03]

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

2. Page A-8, following line 2.

**Insert:** "Item 6c includes federal transportation enhancement funds that must be used on projects in the proximity of public schools to reduce the risk of pedestrian-vehicle conflicts. Projects should be selected, designed, and implemented in collaboration with local governments and school districts with the goal of reducing the risk of injuries and fatalities to students from mishaps with vehicle traffic."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Tramelli, Tropila, Wanzenried.  
Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 62

Voted Absentee: Himmelberger, Mr. Speaker, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows :

1. Page A-9, following line 4.

**Insert:** "The department shall provide status reports on the POINTS system to the revenue and taxation interim committee at each regularly scheduled committee meeting. The status reports must include work plan benchmark updates, progress on fixing mission-critical and nonmission-critical defects, and the status of implementing and operating all phases of the system."

Amendment **adopted** as follows:

Ayes: Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Raser, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried, Witt.  
Total 53

Noes: Adams, Andersen, Bales, Balyeat, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 47

Voted Absentee: Himmelberger, Mr. Speaker, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows :

1. Page A-10, following line 15.

**Insert:** "The state compensation insurance fund shall report all salaries and benefits paid to all salaried employees for each fiscal year. This report must be presented to the legislative finance committee at its first meeting following the end of the fiscal year."

Amendment **not** adopted as follows:

Ayes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, McCann, Musgrove, Newman, Price, Raser, Rice, Rome, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 49

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 49

Excused: Himmelberger, Mr. Speaker.  
Total 2

Absent or not voting: None.  
Total 0

Representative Davies moved to close Section A. Motion carried.

Representative Lewis gave opening remarks on **HB 2**, Section B: Health and Human Services.

**HB 2** - Representative Jayne moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-3, line 8.

**Strike:** "575,820 579,713" [general fund FY02 and FY03]

**Insert:** "538,820 542,713" {general fund FY02 and FY03}

**Strike:** "1,304,290 1,366,683" [state special revenue FY02 and FY03]

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Insert:** "1,288,540 1,350,933" [state special revenue FY02 and FY03]

**Strike:** "794,116 799,078" [federal funds FY02 and FY03]

**Insert:** "746,866 751,828" [federal funds FY02 and FY03]

2. Page B-4, line 3.

**Strike:** "327,780 570,516" {general fund FY02 and FY03]

**Insert:** "0 327,780" [general fund FY02 and FY03]

**Strike:** "880,848 1,544,072" [federal funds FY02 and FY03]

**Insert:** "0 880,848" [federal funds FY02 and FY03]

3. Page B-4, line 15.

**Strike:** "42,883,179 44,540,940" [general fund FY02 and FY03]

**Insert:** "43,657,391 44,616,059" [general fund FY02 and FY03]

**Strike:** "54,166,284 55,970,993" [federal funds FY02 and FY03]

**Insert:** "54,914,135 56,039,368" [federal funds FY02 and FY03]

4. Page C-11 line 10.

**Strike:** "305,000 " [general fund FY02]

**Insert:** "100,185" [general fund FY02]

Amendment **adopted** as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrupf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Witt, Wolery, Mr. Speaker.

Total 69

Noes: Adams, Bales, Balyeat, Barrett, Brueggeman, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Laszloffy, Lehman, Lewis, McKenney, Mood, Olson, Pattison, Rice, Ripley, Rome, Shockley, Somerville, Waitschies, Walters, Whitaker, Younkin.

Total 30

Voted Absentee: Mr. Speaker, Aye; Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

**HB 2** - Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-2, line 15.

**Strike:** "3,000,000" [federal funds FY02]

**Insert:** "2,500,000" [federal funds FY02]

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

2. Page B-2, line 21.

**Strike:** "0" [federal funds FY03]

**Insert:** "500,000" [federal funds FY03]

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

Total 75

Noes: Balyeat, Brueggeman, Dale, Davies, Fisher, Fuchs, Hedges, Laszloffy, Pattison, Shockley, Somerville, Steinbeisser, Vick, Waitschies, Walters, Whitaker.

Total 16

Excused: Himmelberger, Mr. Speaker.

Total 2

Absent or not voting: Bitney, D. Brown, Gillan, Kasten, Laible, Story, Witt.

Total 7

**HB 2** - Representative Hurdle moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-5.

**Following:** line 22

**Insert:** "i. HB 604 -- Treatment Services for Nonviolent Offenders (Restricted)  
584,217 1,842,215"[General Fund FY02 and FY03]

2. Page B-5.

**Following:** line 22

**Insert:** "j. HB 604 -- Administration of Treatment Services for Nonviolent Offenders  
64,912 204,690"[General Fund FY02 and FY03]

3. Page B-9.

**Following:** line 9

**Insert:** "Item 10i is contingent upon passage and approval of House Bill No. 604. The department shall contract with state-approved treatment programs for nonviolent offenders as provided for in House Bill No. 604. Funds in item 10i may be used only for treatment services."

4. Page B-9.

**Following:** line 9

**Insert:** "Item 10j is contingent upon passage and approval of House Bill No. 604. The department shall hire or contract with an expert in the treatment of gambling addictions for the oversight of this function."

5. Page D-4.



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

**Following:** line 15

**Insert:** "a. HB 604 -- Supervision of Nonviolent Offenders (Restricted)  
649,129 2,046,905"[General Fund FY02 and FY03]

6. Page D-4, line 17.

**Strike:** "48,134,474 51,083,654"

**Insert:** "46,836,216 46,989,844"

7. Page D-5.

**Following:** line 3

**Insert:** "Item 2a is contingent upon passage and approval of House Bill No. 604. The department shall use these funds for the costs associated with the treatment and supervision of nonviolent offenders meeting the criteria of House Bill No. 604."

8. Page D-5.

**Following:** line 4

**Insert:** "Item 3 includes a reduction of \$1,298,258 of general fund money in fiscal year 2002 and \$4,093,810 of general fund money in fiscal year 2003. The reduction of general fund money is contingent upon passage and approval of House Bill No. 604."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Voted Absentee: Himmelberger, Mr. Speaker, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Facey moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-6.

**Following:** line 17

**Insert:** "If at the completion of the quarter year ending June 30, 2002, September 30, 2002, December 31, 2002, March

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

31, 2003, and June 30, 2003, at least 37.5%, 50%, 62.5%, 75%, and 87.5%, respectively, of the funds in items 1a, 1c, 1d, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 1n, 1o, 1p, 1q, 1r, 1s, or 1t have not been expended, then the amount of funds equal to the difference between the applicable percentage of the funds and the amount expended, not to exceed \$2.5 million, must be transferred as follows:

- (1) ½ to low-income housing, not to exceed \$1 million for the biennium; and
- (2) ½ to workforce development projects, not to exceed \$1.5 million for the biennium."

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Fisher, Kasten, Pattison, Vick.

Total 5

Voted Absentee: Himmelberger, Mr. Speaker, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Jayne moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-6, line 11.

**Strike:** "enrolled members of the seven Montana tribes"

**Insert:** "an enrolled tribal member of a federally recognized tribe"

Amendment **adopted** as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Adams, Bales, Balyeat, Devlin, Haines, Kasten, Laible, Laszloffy, Pattison, K. Peterson, Shockley, Steinbeisser,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Vick, Waitschies.  
Total 14

Voted Absentee: Himmelberger, Mr. Speaker, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

**HB 2** - Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-3, line 20.

<b>Strike:</b>	"57,483,855"	general fund FY02
	"61,672,929"	general fund FY03
<b>Insert:</b>	"60,483,855"	general fund FY02
	"64,672,929"	general fund FY03

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 58

Voted Absentee: Himmelberger, Mr. Speaker, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Jayne moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-4, line 11.

<b>Strike:</b>	"10,246,727 9,980,870"	[general fund FY02 and FY03]
<b>Insert:</b>	"10,313,242 10,047,385"	[general fund FY02 and FY03]

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Amendment **not** adopted as follows:

Ayes: Bixby, Buzzas, Callahan, Carney, Cyr, Dale, Facey, Forrester, Gallik, Gallus, Gillan, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Schrumpf, Smith, Tropila.  
Total 26

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Fritz, Fuchs, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 74

Voted Absentee: Himmelberger, Mr. Speaker, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Speaker McGee present at this time.

**HB 2** - Representative Lee moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-6.

**Following:** line 17

**Insert:** "If Senate Bill No. 77 is passed and approved and if it includes provisions for a team to develop a plan for a child support assurance program, funds, not to exceed \$10,000 for the biennium, in items 3 and 4, except items 4a through 4c, may be used to pay for the activities of the team."

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Wanzenried.  
Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 54

Excused: Himmelberger.

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Total 1

Absent or not voting: None.

Total 0

**HB 2** - Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-4, following line 5.

**Insert:** "f. HIV/AIDS Treatment and Coverage (Restricted/Biennial)  
100,000" [State Special Revenue FY 02]

Amendment **adopted** as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 62

Noes: Adams, Bales, Balyeat, Bitney, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Devlin, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, McKenney, Mood, Olson, Pattison, K. Peterson, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 38

Voted Absentee: Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Lewis moved to close Section B. Motion carried.

Representative Gallus moved to reopen Section A for the purpose of an amendment. Motion, requiring a two-thirds vote, failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Voted Absentee: Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

Representative Haines gave opening remarks on **HB 2**, Section C: Natural Resources and Commerce.

**HB 2** - Representative Jent moved **HB 2**, second reading copy, be further amended as follows :

1. Page C-2, line 15.

**Strike:** "279,256" [general fund FY02]

**Insert:** "279,480" [general fund FY02]

**Strike:** "4,362,592" [state special FY02]

**Insert:** "4,518,999" [state special FY02]

**Strike:** "177,122" [federal special FY02]

**Insert:** "244,914" [federal special FY02]

**Strike:** "279,255" [general fund FY03]

**Insert:** "279,480" [general fund FY03]

**Strike:** "4,408,016" [state special FY03]

**Insert:** "4,564,968" [state special FY03]

**Strike:** "176,869" [federal special FY03]

**Insert:** "244,896" [federal special FY03]

2. Page C-5.

**Strike:** line 4 through line 7 in their entirety

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Mangan, Matthews, Newman, Noennig, K. Peterson, Tramelli, Tropila, Waddill.

Total 33

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Esp, Facey, Fisher, Gallik, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 66

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Voted Absentee: Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**HB 2** - Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows :

1. Page C-11, line 8.

**Strike:** "1,822,370 1,741,099" [General Fund FY02 and FY03]

**Insert:** "2,822,370 2,741,099" [General Fund FY02 and FY03]

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tropila, Waddill, Wanzenried.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Voted Absentee: Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: Tramelli.

Total 1

**HB 2** - Representative Masolo moved **HB 2**, second reading copy, be further amended as follows :

1. Page C-15, following line 15.

**Insert:** "c. Federal Special Grants (Biennial)  
2,000,000" [federal funds fy02]

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Holden, Jackson,

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: R. Brown, Gallik, Gutsche, Harris, Hurdle, Kasten, Kaufmann, Laslovich, Steinbeisser.  
Total 9

Excused: Himmelberger.  
Total 1

Absent or not voting: None.  
Total 0

**HB 2** - Representative Haines moved **HB 2**, second reading copy, be further amended as follows :

1. Page C-1, line 18.  
**Strike:** "25,000 25,000" [State Special FY02 and FY03]  
**Insert:** "50,000 50,000" [State Special FY02 and FY03]

2. Page C-4.  
**Strike:** line 18 in its entirety

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: Adams, Balyeat, Dell, Devlin, Hurdle, McCann, Musgrove, Smith.  
Total 8

Voted Absentee: Himmelberger, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Lee moved **HB 2**, second reading copy, be further amended as follows :



HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

1. Page C-11, line 20.

**Strike:** "15,000 15,000" [general fund, FY 02 & 03]

**Insert:** "30,000 30,000" [general fund, FY 02 & 03]

Amendment **not** adopted as follows:

Ayes: Bixby, Buzzas, Callahan, Carney, P. Clark, Erickson, Facey, Gallus, Galvin-Halcro, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Masolo, Musgrove, Schmidt, Tropila, Wanzenried.

Total 24

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Excused: Himmelberger.

Total 1

Absent or not voting: None.

Total 0

Representative Haines moved to close Section C. Motion carried.

Representative Fisher gave opening remarks on **HB 2**, Section D: Corrections and Public Safety.

Representative Sliter moved the committee rise and report progress on **HB 2**. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

**MOTIONS**

Representative Noennig requested on **HB 2 (#14 amendment 591230/Kaufman)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Speaker McGee requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative R. Brown requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Thomas requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Price requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

changed from no to yes. There being no objections, so ordered.

Representative Sliter requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Holden requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Musgrove requested on **HB 2 (#19 amendment 591325/Kaufman)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative McCann requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Masolo requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Jackson requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Bookout-Reinicke requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Anderson requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Wolery requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Liabe requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative K. Peterson requested on **HB 2 (#2 amendment 590925/Wanzenried)**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Sliter moved to suspend the rules for the late drafting, introduction, and transmittal of a bill. Motion carried.

Representative Sliter moved that **SB 313** be taken from the Committee on Federal Relations, Energy, and Telecommunications and rereferred to the Committee on Business and Labor. Motion carried.

Representative Sliter moved that **SB 327** be taken from the Committee on Federal Relations, Energy, and Telecommunications and rereferred to the Committee on Business and Labor. Motion carried.

Representative Sliter moved that **SB 360** be taken from the Committee on Federal Relations, Energy, and Telecommunications and rereferred to the Committee on Business and Labor. Motion carried.

Representative Sliter moved that **SB 405** be taken from the Committee on Federal Relations, Energy, and

HOUSE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 15, 2001

Telecommunications and rereferred to the Committee on Business and Labor. Motion carried.

**ANNOUNCEMENTS**

Representative Holden led the House in singing Happy Birthday to Representative Bales.

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Friday, March 16, 2001. Motion carried.

House adjourned at 5:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTIETH LEGISLATIVE DAY**

Helena, Montana  
March 16, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Mangan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Rice, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/16/2001  
Correctly printed: **HB 7, HB 12, HB 456, HB 572, HB 610, SB 89, SB 104, SB 144, SB 187, SB 190, SB 256, SB 265, SB 285, SB 306, SJR 18.**  
Correctly engrossed: **SB 8, SB 10, SB 74, SB 164, SB 166, SB 194, SB 199, SB 228, SB 257, SB 260, SB 268, SB 370, SB 421, SJR 4.**  
Correctly enrolled: **HB 383, HB 399, HB 402, HB 479, HB 493, HB 500, HB 524.**  
Examined by the sponsor and found to be correct: **HB 383, HB 399, HB 402, HB 479, HB 493, HB 500, HB 524.**

**APPROPRIATIONS** (Vick, Chairman): 3/15/2001  
**HB 456**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "APPROPRIATION"

**Insert:** "FROM THE GENERAL FUND AND REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO INCLUDE FUNDING FOR THE 2005 BIENNIUM EXECUTIVE BUDGET REQUEST"

2. Page 4, lines 11 and 12.

**Following:** "APPROPRIATION" on line 11

**Strike:** " "

**Insert:** "-- funding request. (1)"

**Following:** "APPROPRIATED"

**Strike:** " "

**Following:** "FROM THE"

**Strike:** the remainder of line 11 through "CONSTITUTION," on line 12

**Insert:** "general fund"

**Following:** line 15

**Insert:** "(2) The department shall include in its budget request to the 2003 legislature funding from the income on the tobacco settlement trust fund provided for in Article XII, section 4, of the Montana constitution and matching federal medicaid money to continue the program to treat victims of breast and cervical cancer, as provided in [section 1], in the 2005 biennium."

And, as amended, do pass. Report adopted.

**HB 610**, introduced bill, be amended as follows:

1. Title, page 1, lines 7 through 9.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

**Strike:** "DIRECTING" on line 7 through ";" on line 9

2. Title, page 1, line 10.

**Strike:** "AN"

**Insert:** "A DELAYED"

3. Page 4, lines 6 through 9.

**Strike:** Section 2 in its entirety

**Renumber:** subsequent sections

4. Page 4, line 11.

**Strike:** "2001"

**Insert:** "2003"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

3/15/2001

**SB 492**, introduced by Sprague

House bills concurred in and returned to the House:

3/15/2001

**HB 383**, introduced by Younkin

**HB 399**, introduced by McKenney

**HB 402**, introduced by Mangan

**HB 479**, introduced by Gallus

**HB 493**, introduced by Fritz

**HB 500**, introduced by Wanzenried

**HB 524**, introduced by Keane

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/15/2001

**HB 94**, introduced by Gillan

**HB 405**, introduced by Younkin

**HB 430**, introduced by Clancy

**HB 469**, introduced by Rice

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 638**, introduced by Gillan, Bixby, Branae, Buzzas, Carney, Cocchiarella, Cyr, Dell, Doherty, Elliott, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Kitzenberg, Laslovich, Lenhart, Mangan, McCann, McCarthy, Musgrove, Nelson, Ryan, Schmidt, Shea, Smith, Sprague, Wanzenried, referred to Appropriations.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

The following Senate bill was introduced, read first time, and referred to committee:

**SB 492**, introduced by Sprague, Bishop, Butcher, Crismore, Ekegren, Ellingson, Franklin, Shea, Tash, Tester, Wells (by request of the Senate Fish and Game Standing Committee), referred to Fish, Wildlife and Parks.

Majority Leader Sliter moved that the House recess until 8:45 a.m. Motion carried.

House recessed at 8:05 a.m.

House reconvened at 8:45 a.m. All members present except Representative Rice excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

The House resolved itself into a Committee of the Whole for the continuation of business on second reading. Representative Tropila in the chair.

Representative Fisher continued his opening remarks on **HB 2**, Section D: Corrections and Public Safety.

Speaker McGee assumed the chair.

**HB 2** - Representative Barrett moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-7, line 8.

**Strike:** "695,690      698,051" [general fund fy02 and fy03]

"2,087,070    2,094,154" [federal funds fy02 and fy03]

**Insert:** "1,113,087   1,116,859" [general fund fy02 and fy03]

"1,669,673   1,675,346" [federal funds fy02 and fy03]

2. Page E-2, line 13.

**Strike:** "2,400,000" [general fund fy02]

**Insert:** "1,563,795" [general fund fy02]

Representative Younkin moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jacobson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Eggers, Erickson, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Keane, Lindeen, Mangan, Newman, Raser, Schmidt, Tramelli, Wanzenried.

Total 27

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Voted Absentee: Rice, Aye.

Excused: None.

Total 0

Absent or not voting: Bitney, Bookout-Reinicke, Facey, Gallik, Jackson, Jent, Lee, Mood, Mr. Speaker.

Total 9

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Balyeat, Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lawson, Mangan, McCann, Musgrove, Pattison, Raser, Schmidt, Shockley, Story, Tramelli, Vick, Wanzenried.

Total 35

Voted Absentee: Rice, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Tropila reassumed the chair.

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-8, following line 16.

**Insert:** "The department shall report to the state administration, public retirement systems, and veterans' affairs interim committee at the first committee meeting following each youth challenge program class graduation on the most recent graduating class results and status of previous graduates. The results and status must be presented in a format that will help the legislature gauge long-term program success and that includes measurement criteria as defined by the committee."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 2** - Representative Laszloffy moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-1.

**Following:** line 11

**Insert:** "The Board of Crime Control shall update juvenile crime statistics from the child and adult protective services system on the board's web page semi-annually."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Gallik, Somerville, Wolery.

Total 3

Voted Absentee: Rice, Aye.

Excused: None.

Total 0

Absent or not voting: Eggers.

Total 1

**HB 2** - Representative Pattison moved **HB 2**, second reading copy, be further amended as follows :



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

1. Page D-5, following line 3.

**Insert:** "If Senate Bill No. 489 is not passed and approved, general fund money in item 2 is reduced by \$667,156 in fiscal year 2002 and by \$2,165,633 in fiscal year 2003."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Bixby.

Total 1

Voted Absentee: Rice, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Mangan moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-4, following line 15.

**Insert:** "a. Juvenile Placement (Restricted)  
667,156 1,732,844" [General Fund FY02 and FY 03]

2. Page D-5, following line 3.

**Insert:** "Item 2a is contingent upon Senate Bill No. 489 not being passed and approved and upon imposition of a reduction of general fund money in item 2 totaling \$667,156 in fiscal year 2002 and \$2,165,633 in fiscal year 2003 to reflect the fiscal impact of failure to pass and approve this bill."

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss,

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Galvin-Halcro moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-5.

**Following:** line 11

**Insert:** "c. Displaced Homemaker Program"

150,000 150,000" [General fund, fiscal 2002 & 2003]

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 46

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Dell.

Total 1

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-5.

**Following:** line 4

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

**Insert:** "The department shall negotiate with the department of public health and human services and the Montana food bank for any costs incurred by the Montana correctional enterprises in operating the food bank program."

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Olson, Raser, Rice, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried, Wolery.  
Total 52

Noes: Adams, D. Brown, R. Brown, Brueggeman, Clancy, Dale, Davies, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 45

Voted Absentee: Rice, Aye.

Excused: None.  
Total 0

Absent or not voting: Bitney, Forrester, Gallik.  
Total 3

**HB 2** - Representative Juneau moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-5.

**Following:** line 1

**Insert:** "Because the percentage of American Indians in our state's correctional system ranges from 17% in the men's prison to up to 40% in the women's prison, it is important that the department maintain open communications and liaisons with the Montana tribes. Therefore, the department shall designate one of its current full-time equivalent employees in the administration and support services division to have included as a part of the employee's job responsibilities the duty to serve as a liaison with the Montana tribes and the department regarding American Indian inmate issues and concerns in all correctional facilities, including contracted bed facilities."

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 48

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf,

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 52

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Gallus moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-1, following line 16.

**Insert:** "b. Public Service Commission Litigation (Restricted/Biennial)  
250,000" [General Fund FY 02]

2. Page D-4, following line 5.

**Insert:** "d. Public Service Commission Litigation (Restricted/Biennial)  
250,000" [State Special Revenue FY 02]

Amendment **not** adopted as follows:

Ayes: Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Devlin, Gallik, Gallus, Gillan, Golie, Hurdle, Jacobson, Kaufmann, Keane, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Olson, Raser, Schmidt, Smith, Tramelli, Tropila, Mr. Speaker.

Total 33

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 67

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Fisher moved to close Section D. Motion carried.

Representative Witt gave opening remarks on **HB 2**, Section E: Education.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

**HB 2** - Representative Younkin moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 22.

**Following:** "Year"

**Strike:** "(OTO)"

Amendment **adopted** as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Newman, Noennig, Olson, Price, Raser, Schmidt, Tramelli, Tropila, Wanzenried, Wolery, Younkin.  
Total 51

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fuchs, Gillan, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.  
Total 48

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Waddill.

Total 1

**HB 2** - Representative Anderson moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 7.

**Insert:** "24,000 48,000" [State Special Revenue FY02 & 03]

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Schmidt, Schrupf, Smith, Somerville, Thomas, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 72

Noes: Adams, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Davies, Esp, Fuchs, Galvin-Halcro, Golie, Himmelberger, Kasten, Laible, Laszloffy, Lehman, Pattison, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Tramelli, Vick, Waitschies, Mr. Speaker.  
Total 27

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Voted Absentee: Rice, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**HB 2** - Representative Callahan moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-4, line 16.

**Strike:** "\$894,091 \$897,547" [General Fund]

**Insert:** "\$901,119 \$904,583" [General Fund]

2. Page E-4, line 18.

**Strike:** "\$1,794,951 \$1,795,313" [General Fund]

**Insert:** "\$1,809,007 \$1,809,387" [General Fund]

Amendment **adopted** as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Eggers, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, A. Peterson, Raser, Ripley, Schmidt, Schrumpf, Smith, Story, Thomas, Tramelli, Waddill, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Noes: Adams, Bales, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Hedges, Himmelberger, Holden, Jackson, Jacobson, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, Mood, Olson, Pattison, K. Peterson, Price, Rice, Rome, Shockley, Sliter, Somerville, Steinbeisser, Vick, Waitschies, Walters, Wanzenried.

Total 43

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

**HB 2** - Representative Brueggeman moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 19.

**Strike:** "99,820,715" [fiscal 2002 general fund]

**Insert:** "98,938,715" [fiscal 2002 general fund]

**Strike:** "100,321,170" [fiscal 2003 general fund]

**Insert:** "99,439,170" [fiscal 2003 general fund]

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

2. Page E-8.

**Following:** line 23

**Insert:** "c. Flathead Lake Biological Station (Restricted)

882,000 [fiscal 2002 general fund]

882,000" [fiscal 2003 general fund]

**Renumber:** subsequent subsections

3. Page E-9.

**Following:** the second "through" on line 20

**Strike:** "7b"

**Insert:** "7c"

4. Page E-11.

**Following:** line 9

**Insert:** "The appropriation in item 7c is restricted for the Flathead Lake biological station of the university of Montana-Missoula."

5. Page E-12.

**Following:** "item" on line 14

**Strike:** "7c"

**Insert:** "7d"

6. Page E-12.

**Following:** "item" on line 15

**Strike:** "7d"

**Insert:** "7e"

7. Page E-12.

**Following:** "item" on line 20

**Strike:** "7e"

**Insert:** "7f"

8. Page E-12.

**Following:** "item" on line 22

**Strike:** "7f"

**Insert:** "7g"

9. Page E-12.

**Following:** "item" on line 24

**Strike:** "7g"

**Insert:** "7h"

10. Page E-13.

**Following:** "item" on line 1

**Strike:** "7h"

**Insert:** "7i"

Amendment **not** adopted as follows:

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lewis, Lindeen, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Vick, Waddill, Whitaker, Witt, Mr. Speaker.

Total 47

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Ripley, Schmidt, Smith, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Wolery, Younkin.

Total 53

Voted Absentee: Rice, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Masolo moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-1, following line 12.

**Insert:** "e. HB 140 - Teacher Loan Program

23,948 22,241" [General fund FY02 and FY03]

2. Page E-3, following line 10.

**Insert:** "Item 1e is contingent on passage and approval of House Bill No. 140."

3. Page E-2, following line 13.

**Insert:** "m. HB 140 - Teacher Loan Program

330,000 660,000" [General fund FY02 and FY03]

**Renumber:** subsequent subsections

4. Page E-3, following line 15.

**Insert:** "Item 2m is contingent on passage and approval of House Bill 140."

**Renumber:** subsequent subsections

For the Office of Public Instruction: Amendments 1 and 2 add administration dollars for the teacher loan program, total \$46,189 general fund for the biennium.

Amendments 3 and 4 add distribution dollars for the teacher loan program, total \$990,000 general fund for the biennium.



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Funding is contingent on passage and approval of HB140, which establishes a teacher loan forgiveness program.

Amendment **adopted** as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Price, Raser, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery.

Total 56

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Juneau, Kasten, Laible, Laszloffy, Lewis, McKenney, Pattison, A. Peterson, K. Peterson, Rice, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Younkin, Mr. Speaker.

Total 44

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Newman moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8.

**Following:** line 23

**Insert:** "c. Colleges of Technology Academic Program Development (Restricted/Biennial)  
800,000" [Fiscal 2002 General Fund]

**Renumber:** subsequent subsections

2. Page E-9.

**Following:** the second "through" on line 20

**Strike:** "7b"

**Insert:** "7c"

3. Page E-11.

**Following:** line 9

**Insert:** "Item 7c is intended by the legislature to be used for academic program development at the colleges of technology and community colleges. The board of regents shall establish priorities for how the appropriation will be used and allocate the appropriation accordingly."

4. Page E-12.

**Following:** "item" on line 14

**Strike:** "7c"

**Insert:** "7d"

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

5. Page E-12.

**Following:** "item" on line 15

**Strike:** "7d"

**Insert:** "7e"

6. Page E-12.

**Following:** "item" on line 20

**Strike:** "7e"

**Insert:** "7f"

7. Page E-12.

**Following:** "item" on line 22

**Strike:** "7f"

**Insert:** "7g"

8. Page E-12.

**Following:** "item" on line 24

**Strike:** "7g"

**Insert:** "7h"

9. Page E-13.

**Following:** "item" on line 1

**Strike:** "7h"

**Insert:** "7i"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, K. Peterson, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried, Whitaker.

Total 46

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Representative Sliter moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Majority Leader Sliter moved that the House recess until 2:15 p.m. Motion carried.

House recessed at 1:50 p.m.

House reconvened at 2:18 p.m. All members present except Representative Rice, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

The House resolved itself into a Committee of the Whole for the continuation of business on second reading. Representative Tropila in the chair.

**HB 2** - Representative Lawson moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 10.

**Following:** "Assistance (04)"

**Insert:** "(Biennial)"

2. Page E-10.

**Strike:** line 2 through line 6 in their entirety

**Insert:** "The general fund appropriation in item 4 is calculated to fund education in the community colleges for an estimated 1,990 resident FTE students in fiscal year 2002 and 2,011 resident FTE students in fiscal year 2003. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$2,792 in general fund money to the state for each estimated FTE student who did not enroll."

Amendment **adopted** as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rice, Ripley, Schmidt, Sliter, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 57

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, McKenney, Mood, Pattison, Price, Rome, Schrupf, Shockley, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 43

Voted Absentee: Rice, Aye.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Gallus moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 7.  
Strike: "8,299,390 8,477,208" [FY 02 & 03 General Fund]  
Insert: "8,787,690 9,012,908" [FY 02 & 03 General Fund]

This amendment adds \$488,300 general fund in fiscal 2002 and \$535,700 general fund in fiscal 2003 (\$1,024,000 in the 2003 biennium) to the Student Assistance Program in the Office of the Commissioner of Higher Education for the following purposes:

- 1) Add one new WICHE Dental slot in fiscal 2002, and two new slots and one continuing slot in fiscal 2003.
- 2) Establish two two-year dental hygiene scholarships in fiscal 2002 and an additional two two-year dental hygiene scholarships in fiscal 2003 (total of four in fiscal 2003).
- 3) Increase Baker Grants by \$458,000 each year of the biennium.

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried.  
Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Voted Absentee: Rice, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Thomas moved **HB 2**, second reading copy, be further amended as follows :

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

1. Page E-9, following line 10.

**Insert:** "i. Dental Hygiene Education Program (Restricted)  
119,683" [State Special Revenue FY03]

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 73

Noes: Adams, Balyeat, Bitney, D. Brown, Brueggeman, Curtiss, Davies, Dell, Devlin, Forrester, Hedges, Kasten, Laible, Laszloffy, Masolo, McCann, Mood, Pattison, Rice, Rome, Sliter, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.  
Total 27

Voted Absentee: Rice, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Juneau moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-1, following line 12.

**Insert:** "e. Implementation of HB 528 -- Indian Cultural Education (OTO)  
60,000 60,000" [general fund fy02 and fy03]

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

**HB 2** - Representative Lawson moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-1, line 4.

**Strike:** "4,275,066 4,295,143"

**Insert:** "4,775,066 4,795,143"

Amendment **not** adopted as follows:

Ayes: Bixby, Buzzas, Callahan, P. Clark, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Lawson, Lindeen, Matthews, Musgrove, Newman, Raser, Tropila.

Total 25

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 73

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Mangan.

Total 2

**HB 2** - Representative Jent moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-3, following line 10.

**Insert:** "Contingent on passage of bills to increase the tobacco tax and the bed tax and to create a tax on rental vehicles that raise sufficient revenue to fund the full amount, item 2a is increased by \$17,398,173 in general fund money in fiscal year 2002 and by \$34,867,196 in general fund money in fiscal year 2003."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Mangan, Masolo, Musgrove, Newman, Schmidt, Schrumpf, Smith, Tramelli.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Total 33

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lee, Lehman, Lewis, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Golie moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-3, following line 10.

**Insert:** "If Senate Bill No. 489 is not passed and approved, general fund money in item 2a is increased by \$667,156 in fiscal year 2002 and by \$2,165,633 in fiscal year 2003"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 36

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Juneau moved **HB 2**, second reading copy, be further amended as follows :

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

1. Page E-1, line 12.

**Insert:** "e. Implementation of HB 528 -- Indian Cultural Education (OTO)  
60,000 60,000" [general fund fy02 and fy03]

Amendment **not** adopted as follows:

Ayes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, A. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila.  
Total 39

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Voted Absentee: Rice, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Younkin moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-1, line 4.

**Strike:** "4,275,066 4,295,143"

**Insert:** "4,164,642 4,184,335"

2. Page E-1, line 16.

**Strike:** "432,677,022 440,553,781"

**Insert:** "432,787,446 440,664,589"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lewis, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lee,



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Raser, Schmidt, Smith, Tramelli, Waddill, Wanzenried.

Total 45

Voted Absentee: Rice, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Harris moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 19.

**Strike:** "99,820,715 100,321,170" [FY 02 & 03 General Fund]

**Insert:** "109,822,315 120,486,770" [FY 02 & 03 General Fund]

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 60

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Haines moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 19.

**Strike:** "99,820,715 100,321,170" [FY 02 & 03 General Fund]

**Insert:** "100,513,490 101,016,279" [FY 02 & 03 General Fund]

2. Page E-10, line 10.

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

**Following:** the second "reduction of"

**Strike:** "\$779,826"

**Insert:** "\$85,051"

3. Page E-10, line 11.

**Following:** "and"

**Strike:** "\$782,537"

**Insert:** "\$87,428"

**Following:** "for"

**Strike:** "40.75"

**Insert:** "5.13"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Cyr, Erickson, Facey, Fisher, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jent, Kaufmann, Laslovich, Lawson, Lee, Musgrove, Newman, Raser, Schmidt, Smith, Thomas, Tropila, Wanzenried, Younkin.

Total 34

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Forrester, Fuchs, Gallik, Hedges, Himmelberger, Holden, Jackson, Jayne, Juneau, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 65

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 2** - Representative Harris moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 19.

**Strike:** "99,820,715 100,321,170" [FY 02 & 03 General Fund]

**Insert:** "109,822,315 120,486,770" [FY 02 & 03 General Fund]

2. Page E-11.

**Following:** line 6

**Insert:** "Item 7 includes \$30,167,200 of general fund money in the 2003 biennium, which is contingent upon the receipt of capital gains tax revenue from the sale of electrical generation assets being deposited in the general fund in the 2003 biennium. If capital gains tax revenue from the sale of electrical generation assets is deposited in the general fund in the 2003 biennium, a maximum of \$30,167,200 is appropriated to the board of regents. No more than the amount of capital gains tax revenue from the sale of electrical generation assets

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

deposited in the general fund in the 2003 biennium may be appropriated to the board of regents. The board of regents may allocate up to \$400 per resident student in fiscal 2002 and up to \$800 per resident student in fiscal 2003 to the educational units."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Schruppf, Smith, Tramelli, Tropila, Younkin.

Total 37

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 63

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Juneau moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-1, following line 12.

**Insert:** "e. Implementation of HB 528 -- Indian Cultural Education

30,000 30,000" [General Fund FY 02 and 03]

Explanation - This amendment adds \$30,000 general fund each year (\$60,000 over the biennium) to implement the provisions of HB 528, passed by the 1999 legislature, dealing with the provision of Indian cultural education in schools. The funds would be used to develop model curriculum guides, create a web-based educational tool, and establish funding for the Montana Advisory Council for Indian Education. This increase is intended to be applied against the \$2.0 million general fund reduction across the biennium previously applied to the Crow Tribe Settlement within the Department of Natural Resources and Conservation.

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 43

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**HB 2** - Representative Bixby moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-9, following line 10.

**Insert:** "i. Nonbeneficiary Students at Tribal Colleges (Restricted)  
545,300 545,300" [General Fund FY02 and 03]

Amendment **not** adopted as follows:

Ayes: Bixby, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Pattison, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

**HB 2** - Representative Somerville moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-2, line 7.

**Strike:** "150,000 150,000"

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

**Insert:** "200,000 200,000"

2. Page E-2, line 13.

**Strike:** "2,400,000"

**Insert:** "2,300,000"

Amendment **not** adopted as follows:

Ayes: Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lindeen, Mangan, Masolo, Matthews, Newman, Noennig, Pattison, A. Peterson, Raser, Ripley, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Younkin.  
Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Hedges, Himmelberger, Holden, Juneau, Kasten, Keane, Lee, Lehman, Lenhart, Lewis, McCann, McKenney, Mood, Musgrove, Olson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 50

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HB 2** - Representative Kasten moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 3.

**Strike:** "1,221,994 1,236,481"[FY 02 & 03 General Fund]

**Insert:** "1,185,738 1,200,099"[FY 02 & 03 General Fund]

2. Page E-8, line 17.

**Strike:** "7,741,446 6,101,291"[FY 02 & 03 Federal Special Revenue]

**Insert:** "7,740,894 6,100,737"[FY 02 & 03 Federal Special Revenue]

3. Page E-8, line 19.

**Strike:** "99,820,715 100,321,170"[FY 02 & 03 General Fund]

**Insert:** "99,219,714 99,718,079" [FY 02 & 03 General Fund]

4. Page E-9.

**Following:** line 23

**Insert:** "Item 1 includes a reduction of \$36,256 in fiscal year 2002 and \$36,382 in fiscal year 2003 of general fund money. Item 6 includes a reduction of \$24,937 in fiscal year 2002 and \$25,024 in fiscal year 2003 of federal special revenue. Item 7 includes a reduction of \$1,380,827 in fiscal year 2002 and \$1,385,628 in fiscal year 2003 of general fund money. This reduction is the equivalent of funding for 73.15 full-time equivalent

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

employees. The board of regents may reallocate this reduction in FTE and funding among university system units, as defined in 17-7-102(13), when developing 2003 biennium operating plans. It is the intent of the legislature that at least 60% of the positions eliminated be the university system equivalent of grade 15 or above. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

5. Page E-10.

**Strike:** line 10 through line 13 in their entirety

Amendment **not** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, Brueggeman, E. Clark, Dale, Davies, Devlin, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McCann, Pattison, A. Peterson, K. Peterson, Rice, Schruppf, Shockley, Sliter, Steinbeisser, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 36

Noes: Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Price, Raser, Ripley, Rome, Schmidt, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Younkin.  
Total 64

Voted Absentee: Rice, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Witt moved for cloture on Section E. Motion carried.

Representative Vick opened the Boiler Plate section for the purpose of amendments.

**HB 2** - Representative Olson moved **HB 2**, second reading copy, be further amended as follows :

1. Page BP-2, following line 6.

**Insert:** "NEW SECTION. Section 8. Education reserve for 2005 biennium. An amount of state general fund money equal to two times the fiscal year 2003 appropriation from the general fund for all K-12 public education funding, plus any amount in excess of the estimated unreserved general fund balance at the end of the 2003 biennium, is reserved for the 58th legislature for the purpose of refining or replacing the current K-12 public education funding formula and structure pursuant to recommendations generated by the interim school funding study. The excess estimated unreserved general fund balance is the difference between the projected reserved ending general fund balance at the end of the 2003 biennium as reported in the 2005 biennium Legislative Budget Analysis Report and the projected balance in the Legislative Fiscal Report prepared at the end of the 2001 legislative session. If this difference is less than zero, then the excess is zero. The amount of the reserve must be certified by the legislative fiscal analyst in a letter to the president of the senate and the speaker of the house at the beginning of the 2003 legislative session."

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

**Renumber:** subsequent sections

Amendment **not** adopted as follows:

Ayes: Bales, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Olson, Raser, Ripley, Schmidt, Tramelli, Wanzenried.

Total 42

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Voted Absentee: Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Forrester excused at this time.

Motion that **HB 2**, as amended, do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 39

Voted Absentee: Rice, Aye; Forrester, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 36

Excused: Rice.  
Total 1

Absent or not voting: Forrester, McCann.  
Total 2

**MOTIONS**

Representative Clancy requested on **HB 2 (#9 amendment 591300/Jayne)**, second reading yesterday, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Clancy requested on **HB 2 (#29 amendment 600907/Wanzenried)**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Keane requested on **HB 2 (#2 amendment 590925/Wanzenried)**, second reading yesterday, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Keane requested on **HB 2 (#47 amendment 600835/Harris)**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Lenhart requested on **HB 2 (#2 amendment 590925/Wanzenried)**, second reading yesterday, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Smith requested on **HB 2 (#2 amendment 590925/Wanzenried)**, second reading yesterday, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Sliter moved that **HB 16** be taken from the Committee on Taxation and rereferred to the Committee on Appropriations. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.



HOUSE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 16, 2001

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, March 17, 2001. Motion carried.

House adjourned at 6:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 17, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Galvin-Halcro. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Balyeat, Buzzas, Cyr, Forrester, Holden, Keane, and Rice, excused. Quorum present.

Mr. Speaker introduced the honorary pages of the week:

Ben Peterson, Billings  
Ashley Fuchs, Billings  
Dillon Steinmetz, Livingston  
Shannon Steinmetz, Livingston

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/17/2001

Correctly printed: **HB 11, HB 324, HB 395, SB 147, SB 387.**

Correctly engrossed: **HB 2.**

Signed by the Speaker at 5:15 p.m., March 16, 2001: **HB 27, HB 160, HB 321, HB 383, HB 392, HB 399, HB 402, HB 479, HB 493, HB 500, HB 524.**

**APPROPRIATIONS** (Vick, Chairman): 3/16/2001

**HB 11**, introduced bill, be amended as follows:

1. Title, page 1, line 12.

**Following:** "FUNDS;"

**Insert:** "APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS;"

2. Page 2, line 27.

**Strike:** "Helena, City of (storm drain)      500,000"

**Insert:** "Yellowstone County (bridge)      300,000"

3. Page 2.

**Following:** line 29

**Insert:** "32. Helena, City of (storm drain)    500,000"

4. Page 2, line 30.

**Strike:** "32"

**Insert:** "33"

5. Page 3.

**Strike:** line 1 in its entirety

6. Page 3, line 13.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

**Following:** "account."

**Insert:** "However, any of the projects numbered 1 through 31 listed in subsection (3) that have not completed the conditions described in [section 3(1)] by January 1, 2003, must be reviewed by the next regular session of the legislature to determine if the authorized grant should be withdrawn."

7. Page 3, line 17.

**Strike:** "that" through "2003."

**Insert:** ". However, if a subsequent legislature withdraws funding for any of the projects numbered 1 through 31 listed in subsection (3), those funds could be made available to projects numbered 32 through 34 listed in subsection (3) that have completed the conditions described in [section 3(1)]."

8. Page 5, following line 11.

**Insert:** "(8) Once Yellowstone County has satisfied the conditions described in subsection (1) and the department has sufficient funds to disperse to Yellowstone County in accordance with this section, the department shall reimburse eligible final engineering- and construction-related expenses that were incurred by Yellowstone County since submitting its application in May 2000."

9. Page 5, line 19.

**Strike:** "\$3 million"

**Insert:** "\$2,358,058"

10. Page 6, following line 13.

**Insert:** "NEW SECTION. Section 7. Review of previously authorized project grants. Projects authorized for grants by previous legislatures that have not completed startup conditions are to be notified by the department of commerce that the legislature at the next regular session will review these projects to determine if the commitment of any treasure state endowment grants should be withdrawn."

**Insert:** "NEW SECTION. Section 8. Emergency grants. (1) There is appropriated to the department of commerce \$100,000 for the biennium beginning July 1, 2001, from the interest earnings of the treasure state endowment special revenue account for the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure projects, as defined in 90-6-701.

(2) The projects eligible for emergency grants must be necessary to remedy conditions that if allowed to continue until legislative approval could be obtained would endanger the public health or safety and expose the applicant to substantial financial risk.

(3) The department may not make an emergency grant if it determines that through the implementation of reasonable management practices, the applicant can forestall the risks to health or safety until the legislative approval can be obtained.

(4) The department shall inform the governor and the legislative finance committee of emergency grants that are awarded during the biennium."

**Insert:** "NEW SECTION. Section 9. Conrad emergency drinking water grant. There is appropriated to the department of commerce for a grant to the city of Conrad \$100,000 from the interest earnings of the treasure state endowment special revenue account. The grant must be used for the city's drinking water system in order to move the pumping station. The city of Conrad may not receive the funds until it has satisfied the conditions described in [section 3(1)(a) and (1)(c) through (1)(e)]. The status of this project will be reviewed by the legislature as provided under [section 7]. The department shall disburse grant funds on a reimbursement basis as eligible project expenses are incurred."

**Renumber:** subsequent section

11. Page 6, line 16.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

**Strike:** "and 4"

**Insert:** ", 4, 8, and 9"

And, as amended, do pass. Report adopted.

**HB 324**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "REQUIRING"

**Insert:** "ALLOWING"

2. Title, line 10.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "52-2-703,"

**Insert:** "52-2-704, AND 52-2-721,"

3. Page 3, line 12.

**Insert:** "**Section 2.** Section 52-2-704, MCA, is amended to read:

**"52-2-704. Duties of department.** (1) The department is responsible for planning, implementing, and coordinating programs under the Montana Child Care Act.

(2) The department shall:

(a) assess child-care needs and resources within the state;

(b) develop a state child-care plan;

(c) coordinate child-care programs administered by all state agencies;

(d) issue licenses to persons to receive children into a day-care center on a regular basis;

(e) prescribe the conditions and publish minimum standards upon which licenses and registration certificates are issued;

(f) adopt rules for day-care facilities consistent with the purposes of this part; and

(g) issue registration certificates to a person or persons to receive children into a family day-care home or group day-care home on a regular basis.

(3) The department may:

(a) enter into interagency agreements to administer and coordinate child-care programs;

(b) accept any federal funds made available for the improvement or promotion of child-care services within the state;

(c) administer any state and federal funds that may be appropriated for the purposes of the part; and

(d) issue a license to a person to receive children into a day-care center on an irregular basis if the person chooses to apply for licensure."

**Insert:** "**Section 3.** Section 52-2-721, MCA, is amended to read:

**"52-2-721. License required -- registration required -- term of license or registration certificate -- no fee charged.** (1) A person, group of persons, or corporation may not:

(a) establish or maintain a day-care center for children, in which day care is provided on a regular basis, unless licensed to do so by the department;

(b) operate a family day-care home or group day-care home without first procuring a family day-care or group day-care registration certificate from the department.

(2) The license and registration certificate must contain the ages and numbers of children for whom day care may be provided.

(3) The applicant's own children must be included in the manner provided for in department regulations in

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

the total number of children to be cared for under the license or registration certificate.

(4) The department:

(a) may issue a license or registration certificate that remains in effect for a period not to exceed 3 years; and

(b) may not charge a fee to issue a license or registration certificate.

(5) A 3-year license may be issued only to a provider who has not received notice of any deficiencies on the licensing criteria and implementing guidelines that are provided in department rule.

(6) The department may issue a license to a day-care center in which day care is provided on an irregular basis if the person operating the center chooses to apply for licensure."

**Renumber:** subsequent sections

4. Page 3, line 12.

**Insert:** "NEW SECTION. Section 4. No appropriation. The legislature has determined that [this act] can be implemented within existing appropriations, and therefore no separate appropriation of state money is necessary to carry out the purposes of [this act]."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 395**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Strike:** "general fund"

**Insert:** "state special revenue account"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/15/2001  
**SB 387**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 3/16/2001  
**SB 147**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence: 3/16/2001

**SB 23**, introduced by Halligan

House bills concurred in and returned to the House: 3/16/2001

**HB 164**, introduced by Olson

**HB 351**, introduced by Olson

**HB 515**, introduced by Lehman

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/16/2001

**HB 353**, introduced by Fritz

**HB 362**, introduced by McKenney

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

**HB 510**, introduced by Lawson

**MESSAGES FROM THE GOVERNOR**

March 16, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 19** sponsored by Representative Lenhart, **House Bill 20** sponsored by Representative Shockley, **House Bill 97** sponsored by Representative Lewis, **House Bill 141** sponsored by Representative Somerville, **House Bill 145** sponsored by Representative Dale, **House Bill 185** sponsored by Representative Gallus et al, **House Bill 192** sponsored by Representative Mood, **House Bill 231** sponsored by Representative Lawson, **House Bill 234** sponsored by Representative Lawson, **House Bill 258** sponsored by Representative Vick, **House Bill 271** sponsored by Representative Jayne, **House Bill 325** sponsored by Representative Laible, and **House Bill 369** sponsored by Representative Laslovich on March 16, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committee:

**HB 639**, introduced by Barrett, Masolo (by request of the Secretary of State), referred to State Administration.  
**HB 640**, introduced by McGee, referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 7** - Representative McCann moved **HB 7** do pass. Motion carried as follows:

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Balyeat, Buzzas, Cyr, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 10** - Representative Kasten moved **HB 10** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Balyeat, Buzzas, Cyr, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HB 12** - Representative Haines moved **HB 12** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Hurdle, Juneau, Lee, Mangan.

Total 5

Voted Absentee: Balyeat, Buzzas, Cyr, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate negotiation team into the House Chambers.

Senator Grosfield challenged the House to match or beat the Senate's contribution to the Big Brothers and Big Sisters organization. The House "graciously" accepted the challenge to collect money, and did, in fact, beat the amount collected by the Senate. Negotiations for the remainder of the "missing" items from both houses were carried out to the satisfaction of both parties. Trophies were given to the Senate as the winners of the first half of the Senate/House basketball game, and to the House for the second half of the game, with the House basketball team receiving the rightful "game" trophy back along with the other confiscated items.

Sergeant-at-Arms Ahner escorted the Senate negotiation team from the House Chambers.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 608** - Representative Haines moved **HB 608** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Balyeat, Buzzas, Cyr, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 610** - Representative Kasten moved **HB 610** do pass.

Representative Gillan made a substitute motion that consideration of **HB 610** be passed for the day. Motion failed as follows:

Ayes: Balyeat, Barrett, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Rice, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried, Wolery.

Total 49

Noes: Adams, Andersen, Bales, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 50

Voted Absentee: Balyeat, Buzzas, Cyr, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

Representative Schmidt made a motion that **HB 610** be indefinitely postponed. Motion failed as follows:

Ayes: Barrett, Bixby, Branae, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried, Wolery.

Total 41

Noes: Adams, Andersen, Bales, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 49

Excused: Balyeat, Buzzas, Cyr, Forrester, Holden, Keane, Rice.

Total 7

Absent or not voting: Himmelberger, Pattison, Shockley.

Total 3

**HB 610** - Representative Kasten moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Erickson, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 66

Noes: Bixby, Branae, P. Clark, Eggers, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Lee, Lenhart, Lindeen, Musgrove, Newman, Raser, Schmidt, Tramelli, Tropila, Wanzenried.

Total 22

Excused: Balyeat, Buzzas, Cyr, Dale, Forrester, Holden, Keane, Rice.

Total 8

Absent or not voting: D. Brown, Facey, Himmelberger, Pattison.

Total 4

Representative Dale excused at this time.

Motion that **HB 610** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Total 86

Noes: Bixby, P. Clark, Eggers, Galvin-Halcro, Gillan, Golie, Harris, Hurdle, Juneau, Lee, Lenhart, Raser, Tramelli, Wanzenried.

Total 14

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 613** - Representative Sliter moved consideration of **HB 613** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 615** - Representative Lewis moved **HB 615** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Bixby, P. Clark, Eggers, Facey, Galvin-Halcro, Gillan, Gutsche, Juneau, Lee, Raser, Wanzenried.

Total 11

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Kaufmann, Thomas.

Total 2

**HB 620** - Representative Devlin moved **HB 620** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: R. Brown, Harris, Hurdle, Musgrove, Story.  
Total 5

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 613** - Representative Vick moved **HB 613** do pass.

Representative Gallus excused at this time.

Representative Witt moved **HB 613**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

**Following:** "SERVICES"

**Insert:** "AND FOR BUDGET BASE DEVELOPMENT"

2. Title, page 1, line 7.

**Following:** "BUDGET"

**Insert:** "AND BASE BUDGET REVIEW"

3. Page 1, line 20.

**Strike:** "and"

4. Page 1, line 22.

**Following:** "biennium"

**Insert:** "; and"

WHEREAS, the current process does not provide for an adequate review of expenditures in the budget base

5. Page 1, line 28.

**Following:** "budgets"

**Insert:** "and base budget review"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Davies, Dell, Eggers, Esp, Facey, Fisher, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 81

Noes: Erickson, Gallik, Hurdle, Juneau, Kaufmann, Musgrove, Newman, Smith.  
Total 8

Excused: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice.  
Total 9

Absent or not voting: Devlin, Price.  
Total 2

Motion that **HB 613**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Bixby, Erickson, Gallik, Hurdle, Juneau, Kaufmann, Musgrove, Newman, Smith.  
Total 9

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 68

Noes: Bixby, Carney, P. Clark, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Hurdle, Juneau, Lee, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 23

Excused: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice.  
Total 9

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 8** concurred in as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 90

Noes: Bales, R. Brown, P. Clark, Curtiss, Fuchs, Lee, Shockley, Sliter, Wanzenried, Mr. Speaker.  
Total 10

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 10, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 97

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Noes: Mr. Speaker.  
Total 1

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: Branae, Steinbeisser.  
Total 2

**SB 74** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 88

Noes: Branae, Eggers, Erickson, Esp, Kaufmann, Laslovich, Newman, Noennig, K. Peterson, Raser, Waddill, Mr. Speaker.  
Total 12

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 90, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Adams.  
Total 1

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 164** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Adams, Balyeat, Esp, Laible, Laszloffy, Lenhart, Mangan, Vick, Whitaker.

Total 9

Voted Absentee: Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes; Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 166** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Curtiss.

Total 1

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.



HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 194** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Fuchs.  
Total 1

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 199** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Fritz, Fuchs, Gallik, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 83

Noes: Bixby, Buzzas, Cyr, Erickson, Facey, Forrester, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Juneau, Kaufmann, Keane, Lenhart, Musgrove, Tramelli.  
Total 17

Voted Absentee: Balyeat, Dale, Holden, Rice, Ayes; Buzzas, Cyr, Forrester, Gallus, Keane, Noes.

Excused: None.  
Total 0

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Absent or not voting: None.  
Total 0

**SB 228** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Adams, K. Peterson, Waitschies.  
Total 3

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 257** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

**SB 260, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Esp, Lenhart.

Total 2

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 268** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Dell, Fritz, Gutsche, Hurdle, Mangan, McCann, K. Peterson, Smith, Whitaker.

Total 9

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 370** concurred in as follows:

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Ayes: Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 79

Noes: Adams, Andersen, Balyeat, Barrett, E. Clark, Davies, Devlin, Esp, Fuchs, Himmelberger, Kasten, Laible, Laszloffy, K. Peterson, Rice, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.

Total 21

Voted Absentee: Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Ayes; Balyeat, Rice, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 421, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 4, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp,

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: R. Brown, Gillan.

Total 2

Voted Absentee: Balyeat, Buzzas, Cyr, Dale, Forrester, Gallus, Holden, Keane, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Schruppf requested on **SB 194**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Facey requested on **HB 615**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Younkin requested on **HB 2 (#47 amendment 600835/Harris)**, second reading yesterday, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Fisher requested on **HB 2 (#53 amendment 60093/Kasten)**, second reading yesterday, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Gillan requested on **HB 615**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Golie requested on **HB 2**, second reading yesterday, that Representative Cyr's vote be shown as no. There being no objections, so ordered.

Representative Thomas requested on **HB 2 (#53 amendment 600933/Kasten)**, second reading yesterday, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Haines requested on **HB 2 (#53 amendment 600933/Kasten)**, second reading yesterday, that his vote be changed from yes to no. There being no objections, so ordered.

**ANNOUNCEMENTS**

HOUSE JOURNAL  
SIXTY-FIRST LEGISLATIVE DAY - MARCH 17, 2001

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, March 19, 2001. Motion carried.

House adjourned at 10:40 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 19, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Balyeat.

Girl Scout Troops from Laurel, Montana presented the colors.

Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney, Gallus, and A. Peterson, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Elias Harmon, Scobey  
Heston Robertus, Laurel  
Coco Stengrimson, Power  
Meghan Andersen, Power  
Jesse Newbreast, Butte  
Heidi Wahl, Cut Bank  
Tana Fleming, Fort Shaw  
Courtney Hagadone, Poplar  
Joe Sherwood, Helena  
Mara Baldwin, Missoula

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/19/2001

Correctly engrossed: **HB 7, HB 10, HB 12, HB 608, HB 610, HB 613, HB 615, HB 620.**

Correctly enrolled: **HB 164, HB 351, HB 515, HB 582.**

Examined by the sponsor and found to be correct: **HB 164, HB 351, HB 515, HB 582.**

Signed by the Speaker at 8:20 a.m., March 19, 2001: **HB 127, HB 129, HB 134, HB 143, HB 157, HB 164, HB 241, HB 263, HB 267, HB 294, HB 298, HB 329, HB 336, HB 351, HB 354, HB 365, HB 391, HB 393, HB 443, HB 515, HB 582, HJR 14, HJR 15, HJR 22.**

Delivered to the Governor for her approval at 3:45 p.m., March 19, 2001: **HB 27, HB 127, HB 129, HB 134, HB 143, HB 157, HB 160, HB 241, HB 263, HB 267, HB 294, HB 298, HB 321, HB 329, HB 336, HB 354, HB 365, HB 383, HB 391, HB 392, HB 393, HB 399, HB 402, HB 443, HB 479, HB 493, HB 500, HB 524.**

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

3/17/2001

**SB 220**, introduced by Bohlinger

**SB 496**, introduced by Glaser

House bill concurred in and returned to the House:

3/17/2001

**HB 582**, introduced by Gutsche

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/17/2001

**HB 368**, introduced by Hedges

**HB 381**, introduced by Noennig

**HB 387**, introduced by Hedges

Conference committee report #1 adopted:

3/17/2001

**HB 29**, introduced by Noennig

**MESSAGES FROM THE GOVERNOR**

March 16, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 80** sponsored by Representative Smith, **House Bill 176** sponsored by Representative Jent, and **House Bill 191** sponsored by Representative Gallus on March 16, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 641**, introduced by Lindeen, Cobb, Dell, Ellingson, Harris, Kitzenberg, Price, referred to Appropriations.

**HB 642**, introduced by Story, DePratu (by request of the Senate Taxation Standing Committee), referred to Taxation.

**HB 643**, introduced by Juneau, Smith, referred to Business and Labor.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 220**, introduced by Bohlinger, referred to Taxation.

**SB 496**, introduced by Glaser, Berry, R. Brown, DePratu, Ellis, Forrester, Mahlum, Matthews, McNutt, Shea, Sprague, Steinbeisser, Taylor, referred to Taxation.

Majority Leader Sliter moved that the House recess until 1:30 p.m. Motion carried.

House recessed at 1:12 p.m.



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

House reconvened at 1:30 p.m. All members present, except Representatives Bitney, Gallus, and A. Peterson, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Masolo in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 38** - Representative Sliter moved consideration of **HB 38** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Representative Sliter moved consideration of **HB 236**, **HB 598**, and **SB 285** be passed for the day. Motion carried.

**HB 11** - Representative Kasten moved **HB 11** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Gallik, Jacobson, Wanzenried.

Total 3

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 57** - Representative Erickson moved **HB 57** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Witt, Wolery.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Total 68

Noes: Adams, Barrett, Bitney, D. Brown, Brueggeman, Clancy, Curtiss, Davies, Esp, Fisher, Fuchs, Hedges, Himmelberger, Kasten, Laszloffy, McKenney, Mood, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Vick, Walters, Whitaker, Younkin, Mr. Speaker.

Total 31

Voted Absentee: Gallus, A. Peterson, Ayes; Bitney, No.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 273** - Representative Erickson moved **HB 273** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Wolery.

Total 70

Noes: Adams, Barrett, D. Brown, Brueggeman, Clancy, Davies, Esp, Fisher, Fuchs, Hedges, Kasten, Laszloffy, Lehman, McKenney, Mood, Pattison, K. Peterson, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Vick, Whitaker, Witt, Younkin, Mr. Speaker.

Total 28

Voted Absentee: Bitney, A. Peterson, Ayes.

Excused: Gallus.

Total 1

Absent or not voting: McCann.

Total 1

**HB 324** - Representative Mangan moved **HB 324** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 59

Noes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale,

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McKenney, Mood, Olson, Pattison, Rice, Rome, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 41

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 395** - Representative Thomas moved **HB 395** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 88

Noes: Adams, Balyeat, Eggers, Jayne, Kasten, Laible, Laszloffy, Sliter, Vick, Mr. Speaker.

Total 10

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Curtiss, McCann.

Total 2

**HB 456** - Representative Gutsche moved **HB 456** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 87

Noes: Adams, Balyeat, Davies, Jackson, Kasten, Laible, Laszloffy, Rome, Shockley, Steinbeisser, Vick, Mr. Speaker.

Total 12

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 572** - Representative Bales moved **HB 572** do pass.

Representative R. Brown moved for cloture. Motion carried.

Motion that **HB 572** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Bixby, Branae, Buzzas, Carney, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lee, Musgrove, Raser, Smith, Tramelli, Waddill, Wanzenried.

Total 26

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 74

Noes: Bixby, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Lee, Musgrove, Raser, Smith, Wanzenried.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Total 19

Excused: Bitney, Gallus, A. Peterson.

Total 3

Absent or not voting: Buzzas, Hurdle, Masolo, McCann.

Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 2** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 38

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 7** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Eggers, Wanzenried.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Total 2

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 10** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Lee, Wanzenried.

Total 3

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 12** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Hurdle, Juneau, Lee.

Total 3

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 608** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 610** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Bixby, P. Clark, Cyr, Eggers, Gallik, Gillan, Golie, Hurdle, Jayne, Juneau, Keane, Lee, Raser, Smith, Thomas, Tramelli, Wanzenried.

Total 17

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**HB 615** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 76

Noes: Bixby, Buzzas, P. Clark, Eggers, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Keane, Lee, Mangan, Raser, Schmidt, Wanzenried.  
Total 22

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: McCann, Witt.  
Total 2

**HB 620** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: R. Brown, Harris, Hurdle, Musgrove, Story.  
Total 5

Voted Absentee: Bitney, Gallus, A. Peterson, Ayes.

Excused: None.  
Total 0



HOUSE JOURNAL  
SIXTY-SECOND LEGISLATIVE DAY - MARCH 19, 2001

Absent or not voting: McCann.  
Total 1

**MOTIONS**

Representative Smith requested on **HB 11**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Erickson requested on **HB 7**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Tuesday, March 20, 2001. Motion carried.

House adjourned at 3:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 20, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Dell. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Representative Jacobson led the House in singing Happy Birthday to Representative Branae.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/20/2001

Correctly engrossed: **HB 11, HB 57, HB 273, HB 324, HB 395, HB 456, HB 572.**

Correctly enrolled: **HB 47, HB 131, HB 363, HB 374, HB 439, HB 519, HB 523, HB 542, HB 548, HB 551, HB 579, HJR 18.**

Examined by the sponsor and found to be correct: **HB 47, HB 131, HB 363, HB 374, HB 439, HB 519, HB 523, HB 542, HB 548, HB 551, HB 579, HJR 18.**

Signed by the Speaker at 10:07 a.m., March 20, 2001: **HJR 14, HJR 15, HJR 22.**

**BUSINESS AND LABOR** (McKenney, Chairman):

3/19/2001

**SB 145**, be concurred in. Report adopted.

**SB 151**, be concurred in. Report adopted.

**SB 313**, be concurred in. Report adopted.

**SB 323**, be concurred in. Report adopted.

**SB 330**, be amended as follows:

1. Page 3, line 30.

**Following:** "and"

**Insert:** "home or"

**Following:** "dates"

**Insert:** "and birth dates"

And, as amended, be concurred in. Report adopted.

**SB 428**, be concurred in. Report adopted.

**SB 450**, be amended as follows:

1. Title, line 4.

**Strike:** "SECURITIES AND"

2. Page 2, line 5.

**Following:** "by"

**Insert:** "qualified"

3. Page 2, line 6.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

**Strike:** ", securities,"

**Insert:** "agents, as defined in 26 U.S.C. 3508,"

And, as amended, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

3/15/2001

**SJR 6**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

3/19/2001

**SB 33**, introduced by McCarthy

**SB 52**, introduced by Roush

House bills concurred in and returned to the House:

3/19/2001

**HB 47**, introduced by Price

**HB 131**, introduced by Somerville

**HB 363**, introduced by Wanzenried

**HB 374**, introduced by Eggers

**HB 439**, introduced by Jacobson

**HB 519**, introduced by Forrester

**HB 523**, introduced by Whitaker

**HB 542**, introduced by Musgrove

**HB 548**, introduced by Jayne

**HB 551**, introduced by Forrester

**HB 579**, introduced by Juneau

House joint resolution concurred in and returned to the House:

3/19/2001

**HJR 18**, introduced by Lewis

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/19/2001

**HB 116**, introduced by Mood

**HB 239**, introduced by Thomas

**HB 293**, introduced by Harris

**HB 406**, introduced by Gillan

**HB 498**, introduced by Branae

**HB 499**, introduced by Facey

**HB 552**, introduced by Shockley

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

3/19/2001

**HJR 13**, introduced by Wolery

**FIRST READING AND COMMITMENT OF BILLS**

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

The following House bills were introduced, read first time, and referred to committees:

**HB 644**, introduced by Pattison, Cole, referred to Taxation.

**HB 645**, introduced by Mangan, Thomas, referred to Taxation.

**HB 646**, introduced by Golie, Bixby, Bohlinger, Branae, Callahan, Carney, Christiaens, Cyr, Dell, Facey, Fritz, Galvin-Halcro, Gillan, Gutsche, Hedges, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, Nelson, Ryan, Schmidt, Smith, Tash, Tester, Tramelli, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 38** - Representative Schmidt moved **HB 38** do pass.

Representative Adams moved for cloture. Motion carried.

Motion that **HB 38** do pass failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.  
Total 50

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 50

Voted Absentee: A. Peterson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Majority Leader Sliter moved that the House recess until 1:00 p.m. Motion carried.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

House recessed at 12:46 p.m.

House reconvened at 1:05 p.m. All members present except Representative A. Peterson excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 38** - Representative R. Brown moved **SB 38** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: A. Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 56** - Representative Olson moved **SB 56** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Noes: Buzzas, Erickson, Gutsche, Kaufmann.  
Total 4

Voted Absentee: A. Peterson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 65** - Representative Andersen moved **SB 65** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.  
Total 74

Noes: Adams, Bales, R. Brown, Brueggeman, Cyr, Davies, Dell, Erickson, Esp, Golie, Himmelberger, Hurdle, Juneau, Kasten, Laszloffy, Lenhart, Lewis, Matthews, Pattison, Rice, Schmidt, Vick, Wanzenried, Witt, Mr. Speaker.  
Total 25

Voted Absentee: A. Peterson, Aye.

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

**SB 81** - Representative Dale moved **SB 81** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Voted Absentee: A. Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

**SB 259** - Representative Wolery moved **SB 259** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: A. Peterson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 285** - Representative P. Clark moved **SB 285** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Juneau, Kaufmann, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Thomas, Tramelli, Tropila, Wanzenried, Wolery, Younkin.

Total 75

Noes: Adams, Balyeat, Branae, R. Brown, Davies, Dell, Fuchs, Golie, Jacobson, Jayne, Kasten, Keane, Laible, Lewis, Pattison, Smith, Somerville, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 25

Voted Absentee: A. Peterson, Aye.

Excused: None.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Total 0

Absent or not voting: None.

Total 0

**SB 306** - Representative Lehman moved **SB 306** be concurred in.

Representative Dale excused at this time.

**SB 306** - Representative Lehman moved **SB 306**, second reading copy, be amended as follows :

1. Title, line 5 through line 6.

**Strike:** "WORKED FOR"

2. Title, line 6.

**Following:** "YEARS"

**Insert:** "OF MEMBERSHIP SERVICE"

3. Title, page 1, line 7.

**Strike:** "AND AN APPLICABILITY DATE"

4. Page 3, line 11 through line 13.

**Strike:** section 5 in its entirety

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Dale, Esp, Pattison, Vick.

Total 5

Voted Absentee: Dale, No.

Excused: A. Peterson.

Total 1

Absent or not voting: Curtiss, McCann, Musgrove, Raser.

Total 4

**SB 306** - Representative Lehman moved **SB 306**, second reading copy, be further amended as follows :



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

1. Page 1, line 20.

**Strike:** "final average salary"

**Insert:** "highest average compensation"

2. Page 3, line 1.

**Strike:** "final average salary"

**Insert:** "highest average compensation"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Dale, Esp, Kasten, Story, Vick, Waitschies.

Total 6

Voted Absentee: Dale, No.

Excused: A. Peterson.

Total 1

Absent or not voting: McCann.

Total 1

Motion that **SB 306**, as amended, be concurred in carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 72

Noes: Adams, Bales, Balyeat, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Fuchs, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Mood, Pattison, K. Peterson, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 28

Voted Absentee: A. Peterson, Aye; Dale, No.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 334** - Representative Shockley moved **SB 334** be concurred in. Motion carried as follows:

Ayes: Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, Curtiss, Cyr, Dale, Esp, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laslovich, Lawson, Lenhart, Lewis, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Thomas, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, R. Brown, Callahan, Clancy, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Gillan, Golie, Jackson, Juneau, Keane, Laible, Laszloffy, Lee, Lehman, Lindeen, Masolo, McCann, Mood, Pattison, Rice, Ripley, Rome, Smith, Somerville, Steinbeisser, Story, Tramelli, Vick, Waitschies, Witt, Mr. Speaker.  
Total 43

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: P. Clark, Mangan.  
Total 2

**SB 344** - Representative Sliter moved consideration of **SB 344** be passed for the day for the purpose of amendments. Motion carried.

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the delegation from Pavlodar, Kazakhstan into the House Chambers.

Representative Jacobson introduced the members of the delegation from Pavlodar, Kazakhstan under the auspices of the International City managers Association (ICMA), which in turn is participating in the International Resource Cities project of the U.S. Agency for International Development. Pavlodar is an industrial city of 320,000 in the north of Kazakhstan, near the Russian border.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 11** - Representative Wanzenried moved **SJR 11** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: R. Brown, Erickson.

Total 2

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Forrester, Sliter.

Total 2

**SB 398** - Representative Story moved **SB 398** be concurred in.

**SB 398** - Representative Lee moved **SB 398**, second reading copy, be amended as follows :

1. Page 1, line 9 through line 12.

**Following:** "ENVIRONMENT" on line 9

**Strike:** remainder of line 9 through "VIOLATED" on line 12

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila.

Total 37

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Total 61

Excused: Dale, A. Peterson.

Total 2

Absent or not voting: None.

Total 0

Motion that **SB 398** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Bixby, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Lee, Musgrove, Newman, Raser, Smith.

Total 23

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted.

Representative Schmidt made a substitute motion that **HB 38** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Price, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 51

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McKenney, Mood, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 47

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Excused: Dale, A. Peterson.  
Total 2

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 11** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Jacobson.  
Total 1

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 57** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Wolery.  
Total 73

Noes: Barrett, Bitney, Brueggeman, Clancy, Curtiss, Dell, Esp, Fisher, Fuchs, Himmelberger, Kasten, Laszloffy, McCann, McKenney, Mood, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Steinbeisser, Vick, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 27

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 273** passed as follows:

Ayes: Andersen, Bales, Balyeat, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Wolery.

Total 72

Noes: Adams, Barrett, Bitney, Brueggeman, Clancy, Curtiss, Davies, Esp, Fisher, Hedges, Kasten, Laszloffy, Lehman, McKenney, Mood, Pattison, K. Peterson, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Vick, Whitaker, Witt, Younkin, Mr. Speaker.

Total 28

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 324** passed as follows:

Ayes: Andersen, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery.

Total 57

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, McKenney, Mood, Olson, Pattison, Rice, Rome, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Younkin, Mr. Speaker.

Total 42

Voted Absentee: A. Peterson, Aye; Dale, No.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**HB 395** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 91

Noes: Adams, Balyeat, Curtiss, Kasten, Laszloffy, Pattison, Sliter, Vick, Mr. Speaker.  
Total 9

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 456** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Adams, Balyeat, Curtiss, Davies, Jackson, Kasten, Laszloffy, Mood, Pattison, Rome, Steinbeisser, Vick.  
Total 12

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

Absent or not voting: None.  
Total 0

**HB 572** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lee, Musgrove, Raser, Schmidt, Smith, Waddill, Wanzenried.  
Total 28

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 613** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Bixby, Buzzas, Erickson, Facey, Fritz, Gallik, Gutsche, Hurdle, Juneau, Kaufmann, Keane, Musgrove, Newman, Smith.  
Total 14

Voted Absentee: Dale, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

**MOTIONS**

Representative Sliter moved that the rules be suspended for the late transmittal of **HB 357**. Motion carried.

Representative Tropila requested on **SB 81**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Jayne requested on **SB 38**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Schruppf requested on **HB 608**, third reading yesterday, that her vote be shown as yes. There being no objections, so ordered.

Representative R. Brown requested on **HB 456**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Steinbeisser requested on **HB 11**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/20/2001  
Delivered to the Governor for her approval at 1:05 p.m., March 20, 2001: **HB 164, HB 351, HB 515, HB 582.**

**APPROPRIATIONS** (Vick, Chairman): 3/20/2001  
**HB 3**, introduced bill, be amended as follows:

1. Page 1, line 10.

**Following:** "in"

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

2. Page 1, line 14.

**Following:** "The"

**Strike:** "\$350,000"

**Insert:** "\$20,000"

3. Page 1.

**Following:** line 15

**Insert:** "(3) The \$100,000 appropriation for the department of revenue director's office contained in [section 2] is restricted to legal fees as related to the unisys POINTS II contract and continues into fiscal year 2002 and fiscal year 2003. The \$219,100 appropriation for the compliance, valuation, and resolution contained in [section 2] is restricted to costs to upgrade the legacy property tax system and continues into fiscal year 2002 and fiscal year 2003."

4. Page 1, line 21.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

**Strike:** "\$144,748"

**Insert:** "\$76,888"

5. Page 1, line 22 through line 24.

**Strike:** line 22 through line 24 in their entirety

6. Page 1, line 26.

**Strike:** "\$35,575"

**Insert:** "\$100,000"

7. Page 1.

**Following:** line 26

<b>Insert:</b> "Customer Services Center	\$2,700,000 General Fund
Compliance, Valuation, and Resolution	\$219,100 General Fund"

8. Page 1, line 27 and line 28.

**Strike:** line 27 and line 28 in their entirety

9. Page 1, line 30.

**Strike:** "\$2,815,616"

**Insert:** "\$4,437,807"

10. Page 2, line 1.

**Strike:** "\$7,554,977"

**Insert:** "\$11,965,517"

11. Page 2, line 2.

**Strike:** "\$11,212,392"

**Insert:** "\$11,399,341"

12. Page 2, line 3.

**Strike:** "\$20,090,240"

**Insert:** "\$32,549,140"

13. Page 2, following line 3.

**Insert:** "Medicaid Court Judgment     \$21,545   General Fund"

14. Page 2, line 5.

**Strike:** "\$7,134,721"

**Insert:** "\$4,467,893"

15. Page 2, line 6.

**Strike:** "\$42,000,000"

**Insert:** "\$22,707,695"

16. Page 2, lines 7 through 9.

**Strike:** lines 7 through 9 in their entirety

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

17. Page 2, line 11.

**Strike:** "\$134,927"

**Insert:** "\$41,632"

18. Page 2, line 12.

**Strike:** "\$60,056"

**Insert:** "\$11,593"

19. Page 2.

**Following:** line 12

**Insert:** "\$892                      Proprietary

Extradition of Prisoners    \$45,000    General Fund"

20. Page 2, line 13 through line 16.

**Strike:** line 13 through line 16 in their entirety

21. Page 2.

**Following:** line 17

**Insert:** "Malta School District

                    \$21,009                      General Fund"

22. Page 2, line 18.

**Strike:** line 18 in its entirety

23. Page 2, line 23.

**Strike:** "\$350,000"

**Insert:** "\$20,000"

24. Page 2.

**Following:** line 23

**Insert:** "Department of Corrections

                    Secure Facilities    \$4,000,000                      General Fund

Office of Supreme Court Administrator

                    Indigent Victims of Domestic Violence    \$175,000

State Special Revenue

The appropriation contained in the department of public health and human services mental health line item contains a reduction of \$395,555 that is contingent upon passage and approval of House Bill No. 615.

The Montana school for the deaf and blind is granted an exemption to the provisions of [section 7] of the General Appropriations Act of 1999 and may move funds from personal services to operating expenses during fiscal year 2001."

And, as amended, do pass. Report adopted.

**HB 4**, introduced bill, be amended as follows:

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

1. Page 1, line 12 through page 3, line 10.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Time limits. The appropriations contained in [section 2] are intended to provide necessary expenditures for the years for which the appropriations are made. The unspent balance of an appropriation reverts to the fund from which it was appropriated upon conclusion of the final fiscal year for which its expenditure is authorized by [sections 1 and 2]."

**Insert:** "NEW SECTION. Section 2. Appropriations. The following money is appropriated, subject to all terms and conditions of [sections 1 and 2]:

Agency and Program	FY	Amount	Fund
Office of Public Instruction			
Distribution to Public Schools			
School district federal aid	2001	\$1,500,000	Federal Funds

All remaining fiscal year 2001 federal budget amendment authority for reduced class size is authorized to continue into fiscal year 2002.

Department of Justice

Crime Control Division

FY2001 Underage drinking laws	2001	399,286	Federal Funds
-------------------------------	------	---------	---------------

All remaining fiscal year 2001 federal budget amendment authority for the residential substance abuse treatment pass through is authorized to continue into fiscal year 2002.

All remaining fiscal year 2001 federal budget amendment authority for FY2001 underage drinking laws is authorized to continue into federal fiscal year 2002.

Gambling Control Division

Automated accounting system boards	2001	500,000	State Special Revenue
------------------------------------	------	---------	-----------------------

Montana Arts Council

Promotion of the arts

All remaining fiscal year 2001 federal budget amendment authority for the folklife exhibit is authorized to continue into fiscal year 2002.

Montana State Library

NRIS

All remaining fiscal year 2001 federal budget amendment authority for the national hydrograph dataset and the natural resources conservation service-forest is authorized to continue into fiscal year 2002.

All remaining fiscal year 2001 federal budget amendment authority for institute of museum and library services national leadership is authorized to continue into federal fiscal year 2002.

Montana Historical Society

Museum Program

All remaining fiscal year 2001 federal budget amendment authority for the institute of museum and library services general operating expenses is authorized to continue into federal fiscal year 2002.

Historic Sites Preservation Program

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

All remaining fiscal year 2001 federal budget amendment authority for national historic landmark nomination for Butte-Anaconda, bureau of reclamation, and bureau of land management-5 is authorized to continue into fiscal year 2002.

Heritage Commission

All remaining fiscal year 2000 federal budget amendment authority from the national park service for Virginia City is authorized to continue into fiscal year 2002.

Lewis and Clark Commission

All remaining fiscal year 2001 federal budget amendment authority for national park service projects is authorized to continue into fiscal year 2002.

Department of Fish, Wildlife and Parks

Wildlife Division

All remaining fiscal year 2001 federal budget amendment authority for swift fox is authorized to continue into federal fiscal year 2002.

Department of Environmental Quality

Planning, Prevention, and Assistance Division

Environmental monitoring and assessment

	2001	185,310	Federal Funds
Industries of the future	2001	4,000	Federal Funds
One stop grant	2001	50,000	Federal Funds
Biomass	2001	42,000	Federal Funds
TMDL special projects	2001	125,000	Federal Funds

All remaining fiscal year 2001 federal budget amendment authority for the environmental monitoring and assessment grant, one stop grant, biomass grant, child health special studies grant, and environmental monitoring for public access and community tracking grant is authorized to continue into fiscal year 2002.

All remaining fiscal year 2000 federal budget amendment authority for small business visibility 2000 is authorized to continue into fiscal year 2002.

All remaining fiscal year 2000 and fiscal year 2001 federal budget amendment authority for industries of the future is authorized to continue into fiscal year 2002.

Remediation Division

All remaining fiscal year 2001 federal budget amendment authority for the Lockwood solvent site is authorized to continue into fiscal year 2002.

Permitting and Compliance Division

BLM supplemental impact statement for Zortman/Landusky

2001 120,000 Federal Funds

Air quality database performance partnership grant

2001 126,856 Federal Funds

EPA supplemental environmental impact statement Zortman/Landusky

2001 50,000 Federal Funds

EPA small grants/special projects

2001 140,000 Federal Funds

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

All remaining fiscal year 2001 federal budget amendment authority for the air quality database performance partnership grant and the environmental protection agency small grants/special projects is authorized to continue into fiscal year 2002.

All remaining fiscal year 2000 and fiscal year 2001 federal budget amendment authority for the bureau of land management supplemental environmental impact statement for Zortman-Landusky is authorized to continue into fiscal year 2002.

Department of Transportation  
General Operations Division

All remaining fiscal year 2001 federal budget amendment authority for the human resources federal 2001 grant is authorized to continue into federal fiscal year 2002.

Department of Livestock  
Animal Health Division

Bison federal funds FY01	2001	427,650	Federal Funds
--------------------------	------	---------	---------------

All remaining fiscal year 2001 federal budget amendment authority for bison federal funds FY01 and greater Yellowstone interagency brucellosis committee is authorized to continue into fiscal year 2002.

Department of Natural Resources and Conservation  
Water Resources Division

Watershed management	2001	20,000	Federal Funds
Milk River gauging	2001	5,600	Federal Funds
Water Reference Guide	2001	25,000	Federal Funds

All remaining fiscal year 1999, 2000, and 2001 federal budget amendment authority for watershed management is authorized to continue into fiscal year 2002.

All remaining fiscal year 2000 federal budget amendment authority for the Big Hole-Jefferson River studies is authorized to continue into federal fiscal year 2002.

All remaining fiscal year 2000 federal budget amendment authority for the Shields and Smith River analysis is authorized to continue into fiscal year 2002.

All remaining fiscal year 2001 federal budget amendment authority for Milk River gauging, upper Clark Fork, and floodplain mitigation assistance is authorized to continue into fiscal year 2002.

All remaining fiscal year 2001 federal budget amendment authority for the Montana Water Reference Guide is authorized to continue into federal fiscal year 2002.

Forestry Division

Volunteer fire assistance	2001	1,177,049	Federal Funds
State fire assistance	2001	361,781	Federal Funds
Western wildland urban interface	2001	588,701	Federal Funds

All remaining fiscal year 2001 federal budget amendment authority for the United States fish and wildlife service habitat conservation program, volunteer fire assistance, state fire assistance, and western wildland urban interface is authorized to continue into fiscal year 2002.

Department of Agriculture  
Agricultural Sciences Division  
US forest service weed management

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

2001	100,000	Federal Funds
------	---------	---------------

All remaining fiscal year 2001 federal budget amendment authority for weed management is authorized to continue into fiscal year 2002.

Department of Labor and Industry  
Job Service Division

Workforce Investment Act	2001	1,529,896	Federal Funds
--------------------------	------	-----------	---------------

All remaining fiscal year 2001 federal budget amendment authority for the natural resources grant and the wildfire disaster grant is authorized to continue into fiscal year 2002.

Unemployment Insurance Division

Unemployment penalties and interest	2001	106,158	Federal Funds
-------------------------------------	------	---------	---------------

Employment Relations Division

Onsite consultation	2001	102,000	Federal Funds
---------------------	------	---------	---------------

Department of Military Affairs  
Army National Guard

All remaining fiscal year 2001 federal budget amendment authority for army equipment is authorized to continue into fiscal year 2002.

Disaster and Emergency Services

FFY01 Terrorism 83.552	2001	116,300	Federal Funds
FFY00 Pass thru 83.552	2001	275,583	Federal Funds
FFY01 Pass thru 83.552	2001	162,931	Federal Funds
Hazardous materials emergency preparedness training and planning grant	2001	117,561	Federal Funds

All remaining fiscal year 2001 federal budget amendment authority for the hazardous materials emergency preparedness training and planning grant is authorized to continue into fiscal year 2002.

All remaining fiscal year 2000 federal budget amendment authority for state domestic preparedness equipment is authorized to continue into federal fiscal year 2002.

Department of Public Health and Human Services  
Human and Community Services Division

Heating fuel costs	2001	3,542,173	Federal Funds
--------------------	------	-----------	---------------

All remaining fiscal year 2000 federal budget amendment authority for the commodity supplemental food program and the residential energy assistance challenge options program is authorized to continue into fiscal year 2002.

All remaining fiscal year 2001 federal budget amendment authority for elderly refugees assistance, the TANF evaluation grant, and the building partnership for innovative outreach and enrollment of dual-eligibles grant is authorized to continue into fiscal year 2002.

All remaining fiscal year 2001 federal budget amendment authority for heating fuel costs is authorized to continue into federal fiscal year 2002.

Director's Office

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

All remaining fiscal year 2001 federal budget amendment authority for the corporation for national services grant for the AmeriCorp VISTA program is authorized to continue into fiscal year 2002.

Child Support Enforcement Division

All remaining fiscal year 2001 federal budget amendment authority for the costs of raising a child study is authorized to continue into fiscal year 2002.

Health Policy and Services Division

All remaining fiscal year 2001 federal budget amendment authority for family planning supplemental, diabetes in Native American school children, behavioral risk, viral hepatitis prevention, and birth defects is authorized to continue into fiscal year 2002.

Senior and Long Term Care

Intergovernmental transfer program

2001	4,323,295	Federal Funds
------	-----------	---------------

Addictive and Mental Disorders Division

All remaining fiscal year 2001 federal budget amendment authority for summer wildfires crisis counseling is authorized to continue into fiscal year 2002."

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 9**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Following:** "and"

**Strike:** "\$300,000"

**Insert:** "\$223,575"

2. Page 2, line 4.

**Strike:** line 4 in its entirety

3. Page 2, line 13.

**Strike:** "22,000"

**Insert:** "11,000"

4. Page 2, line 29.

**Strike:** line 29 in its entirety

5. Page 3, line 2.

**Strike:** line 2 in its entirety

**Insert:** "Mineral Museum 5,000"

6. Page 3, line 19.

**Strike:** "20,000"

**Insert:** "10,000"



HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

7. Page 4, line 2.

**Strike:** "10,000"

**Insert:** "15,000"

8. Page 4, line 9.

**Strike:** "12,500"

**Insert:** "16,500"

9. Page 4, line 14.

**Strike:** "1,400"

**Insert:** "2,775"

And, as amended, do pass. Report adopted.

**HB 397**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Following:** "ORGANIZATIONS,"

**Strike:** "BOTH"

**Following:** "PUBLIC"

**Insert:** ", tribal,"

2. Page 2, line 4.

**Following:** "Clark Fork River"

**Insert:** "and including the Flathead Indian reservation"

3. Page 3, line 4.

**Strike:** "OCTOBER 31"

**Insert:** "September 15"

4. Page 3, following line 4.

**Insert:** "(6) State funds may not be expended for task force purposes."

And, as amended, do pass. Report adopted.

**HB 447**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "APPROPRIATING"

**Insert:** "UP TO"

2. Page 1, line 10.

**Following:** "(1)"

**Strike:** "There"

**Insert:** "Contingent upon receipt of federal funding specifically allocated to the state of Montana for the benefit of the Marysville road, there"

3. Page 1, line 11.

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

**Following:** "2001,"

**Insert:** "an amount equal to the allocation up to"

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman):  
**SB 60**, be amended as follows:

3/20/2001

1. Page 2, line 8.

**Following:** "determine,"

**Insert:** "one must be the state superintendent of public instruction,"

**Strike:** "four"

**Insert:** "three"

2. Page 2, lines 13 and 14.

**Strike:** "Of" on line 13 through "education." on line 14

3. Page 7, line 16.

**Following:** "commissioner"

**Insert:** "appointed by the legislature"

**Strike:** ". The"

**Insert:** ", and"

**Following:** "legislators"

**Strike:** "appointed"

4. Page 7, line 17.

**Following:** "ended."

**Insert:** "The commissioners appointed by the governor shall serve at the pleasure of the governor."

And, as amended, be concurred in. Report adopted.

**SB 130**, be concurred in. Report adopted.

**SB 218**, be concurred in. Report adopted.

**SB 231**, be concurred in. Report adopted.

**SB 390**, be amended as follows:

1. Title, lines 13 and 14.

**Strike:** "ALLOWING" on line 13 through "MEETING;" on line 14

2. Title, lines 15 and 16.

**Strike:** "REQUIRING" on line 15 through "AUGUST;" on line 16

3. Title, line 23.

**Strike:** "20-9-115,"

**Strike:** "20-9-131,"

4. Page 7, line 18 through line 26.

**Strike:** section 8 in its entirety

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

**Renumber:** subsequent sections

5. Page 8, line 3 through line 13.

**Strike:** section 10 in its entirety

**Renumber:** subsequent sections

6. Page 13.

**Following:** line 24

"**NEW SECTION. Section 15. Coordination instruction.** If House Bill No. 358 and [this act] are both passed and approved, then [section 5 of this act], amending 20-6-502, is void and [section 1] of House Bill No. 284 must read as follows:

**Insert:** "**Section 1.** Section 20-6-502, MCA, is amended to read:

"**20-6-502. Opening or reopening of elementary school.** The trustees of any elementary district may open or reopen an elementary school of the district when ~~such~~ the opening or reopening has been approved in accordance with the following procedure:

(1) The parents of at least ~~three~~ two pupils who would attend the opened or reopened school petition the trustees of the district to open or reopen a school ~~during the ensuing school fiscal year. Such~~ The petition ~~shall~~ must identify the school, state the reasons for requesting the opening or reopening, and give the names of the children who would attend ~~such~~ the school.

(2) If the trustees approve the opening or reopening of a school, they shall send the petition with a copy of their approval resolution to the county superintendent. The county superintendent shall review the petition to determine if the average number belonging (ANB) of ~~such~~ the school would be ~~five~~ two or more. If the trustees plan to open or reopen the school during the current school fiscal year, the trustees shall include the proposed opening date in the approval resolution and shall request that the process outlined in this section be expedited.

(3) The county superintendent shall present the petition, the trustees' approval, and ~~his~~ the county superintendent's findings on the probable ANB to the board of county commissioners (~~budget board~~) for their consideration. The ~~budget~~ board shall deny the opening or reopening of any school if the county superintendent's enrollment estimate for ~~such~~ the school is less than five two ANB. In all other cases, the ~~budget~~ board may approve or disapprove the requested opening or reopening of the elementary school.

(4) (a) If the ~~budget~~ board approves a school opening or reopening, the county superintendent shall send a copy of ~~such~~ the approval, along with the petition, the trustees' approval, and ~~his~~ the county superintendent's estimate of the probable ANB, to the superintendent of public instruction. Except under the circumstances described in subsection (4)(b), the trustees shall apply to the superintendent of public instruction for approval to open or reopen the school by June 1 prior to the beginning of the school year in which they intend to open or reopen the elementary school. The superintendent of public instruction shall approve or disapprove the requested opening or reopening of the elementary school by the fourth Monday of June. If the opening or reopening is approved, the superintendent of public instruction shall approve or adjust the ANB estimate of the county superintendent for ~~such~~ the school and ~~such~~ the ANB amount ~~shall~~ must be used for budgeting and BASE funding program purposes during the ensuing school fiscal year. ~~No~~ An ANB amount ~~shall~~ may not be approved for the ensuing school fiscal year for an opening or reopening school when the request for ~~such~~ the school has not been received by the superintendent of public instruction ~~before the fourth Monday of~~ by June 1.

(b) (i) If the opening or reopening is approved and the trustees want to open or reopen the school during the current school fiscal year, the trustees shall submit a budget request to the superintendent of public instruction for that portion of the fiscal year in which the school will be in operation prior to the ensuing school fiscal year. The superintendent of public instruction shall approve or adjust the budget request and shall fund the budget for the portion of the school year in which the school will be in operation.

(ii) Before a school may open or reopen during the current school fiscal year, the school must be classified as an isolated school in accordance with the provisions of 20-9-302, except that the dates in that section for the

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

submission and approval of the application for classification do not apply and the application must be made at the same time that the application for opening or reopening the school is made."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 457**, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/20/2001

**SB 310**, be amended as follows:

1. Page 4, lines 19 and 20.

**Strike:** "a late payment penalty of"

2. Page 4, line 21.

**Following:** "(I)"

**Insert:** "a late payment penalty of"

3. Page 4, line 25.

**Strike:** "a late payment penalty and interest"

**Insert:** "both of the charges in subsections (5)(a)(ii)(A)(I) and (5)(a)(ii)(A)(II)"

And, as amended, be concurred in. Report adopted.

**SB 311**, be concurred in. Report adopted.

**SB 321**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

3/20/2001

**HB 511**, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

3/20/2001

**SB 293**, be amended as follows:

1. Page 5, line 6.

**Strike:** "may"

**Insert:** "shall"

2. Page 5, line 8.

**Following:** "(3)"

**Insert:** "(a)"

3. Page 5, line 9.

**Following:** "61-3-101"

**Insert:** ", "

**Strike:** "and"

**Following:** "61-11-105,"

**Insert:** "and this subsection (3),"

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

4. Page 5.

**Following:** line 10

**Insert:** "(b) The department shall ensure that fees established by policy or contract:

(i) recover the department's cost and expenses as provided in 2-6-110(2) and 61-3-101; and

(ii) include an additional amount necessary to compensate the department for costs associated with developing and maintaining the database from which information is requested.

(c) Except as provided in subsection (3)(d), the department shall charge a fee to any person, including a representative of a federal, state, or local government entity or member of the news media who requests information under this section.

(d) The department may not charge a fee for information requested by the governor's office of budget and program planning, the state tax appeal board, any legislative branch agency or committee, or any criminal justice agency, as defined in 44-5-103."

5. Page 9, line 3.

**Strike:** "may"

**Insert:** "shall"

And, as amended, be concurred in. Report adopted.

**SB 320**, be amended as follows:

1. Title, line 11.

**Strike:** "AN"

**Insert:** "A CONTINGENT"

**Following:** "A"

**Insert:** "CONTINGENT"

2. Page 2, line 22.

**Strike:** "**Effective**"

**Insert:** "Contingent effective"

**Strike:** "July 1, 2001"

**Insert:** "30 days after the director of the department of transportation certifies to the governor, sending a copy of the certification to the secretary of state and the code commissioner, that an ethanol plant is operational and producing fuel in Montana"

3. Page 2, line 24.

**Strike:** "**TERMINATION**"

**Insert:** "Contingent termination"

**Strike:** "JUNE 30, 2003"

**Insert:** "2 years after [the effective date of this act]"

And, as amended, be concurred in. Report adopted.

**SB 348**, be amended as follows:

1. Page 3, line 9.

**Strike:** "between"

**Strike:** "825 and 1,300"

HOUSE JOURNAL  
SIXTY-THIRD LEGISLATIVE DAY - MARCH 20, 2001

**Insert:** "1,320"

And, as amended, be concurred in. Report adopted.

**SB 355**, be concurred in. Report adopted.

**SB 451**, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Wednesday, March 21, 2001. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 21, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Schmidt. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Eggers and Fuchs, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/21/2001

Correctly printed: **HB 3, HB 4, HB 9, HB 397, HB 447, HB 511, SB 60, SB 130, SB 145, SB 151, SB 218, SB 231, SB 293, SB 310, SB 311, SB 313, SB 320, SB 321, SB 323, SB 330, SB 348, SB 355, SB 390, SB 428, SB 450, SB 451, SB 457, SJR 6.**

Correctly engrossed: **SB 38, SB 56, SB 65, SB 81, SB 259, SB 285, SB 306, SB 334, SB 398, SJR 11.**

Correctly enrolled: **HB 292, HB 378, HB 386.**

Examined by the sponsor and found to be correct: **HB 378.**

**APPROPRIATIONS** (Vick, Chairman):

**HB 13**, introduced bill, be amended as follows:

3/20/2001

1. Title, page 1, lines 8 and 9.

**Following:** "PLANS;" on line 8

**Strike:** remainder of line 8 through "TEACHERS;" on line 9

2. Title, line 10.

**Following:** "PROGRAM;"

**Insert:** "REVISING THE LEGISLATOR DAILY EXPENSE DETERMINATION;"

3. Title, line 11.

**Following:** "2-18-315,"

**Strike:** "AND"

**Following:** "2-18-703,"

**Insert:** "AND 5-2-301,"

4. Page 1, line 28.

Page 1, line 30.

**Following:** ",~~2-18-313~~," in both places

**Insert:** ", 2-18-313," in both places

5. Page 2, line 1.

**Following:** "2-18-315"

**Strike:** "and the pay provided for in 2-18-313"

6. Page 3, line 2.

**Following:** "m"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Insert:** "the pay schedules provided in"

7. Page 3, line 3.

**Following:** "and"

**Insert:** "2-18-313 and"

8. Page 3, following line 12.

**Insert:** "(a) (i) The pay schedules provided for in 2-18-313 indicate the annual compensation for teachers employed under the authority of the department of corrections or the department of public health and human services for fiscal years 2002 and 2003.

(ii) The compensation of each teacher on July 1, 2001, is the same as it was on June 30, 2001.

(iii) On the first day of the first pay period that includes October 1 of each fiscal year, a teacher employed under the authority of the department of public health and human services or the department of corrections before October 1, 1994, shall advance one step on the appropriate pay schedule adopted in 2-18-313. A teacher hired after October 1, 1994, shall advance on the teacher's actual anniversary date."

**Renumber:** subsequent subsections

9. Page 3, line 30.

**Following:** "~~2-18-313~~;"

**Insert:** "2-18-313,"

10. Page 4, line 3.

**Following:** "~~2-18-313~~;"

**Insert:** ", 2-18-313,"

11. Page 4, lines 3 and 4.

**Following:** "2-18-315" on line 3

**Strike:** remainder of line 3 through "2-18-313" on line 4

12. Page 10, line 26.

**Strike:** "schedule"

**Insert:** "schedules"

**Following:** "(+)"

**Insert:** "(1)"

13. Page 10, line 28 through line 30.

**Following:** "~~follows~~:" on line 28

**Strike:** remainder of line 28 through "agreement." on line 30

**Insert:** "for the period that includes October 1, 2001, until the first day of the pay period that includes October 1, 2002, is as follows:"

14. Page 12, following line 6.

**Insert:** "Annual Hours -- 2080 Note: Does Not Include Insurance  
Term -- Twelve Months Matrix Type -- Annual  
Education Level

STEP	BA	BA+15	BA+30	BA+45	BA+60	BA+75
1	26,085	26,867	27,673	28,503	29,359	30,239



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

2	26,867	27,673	28,503	29,358	30,239	31,147
3	27,673	28,503	29,358	30,239	31,147	32,082
4	28,503	29,358	30,239	31,147	32,082	33,044
5	29,358	30,239	31,147	32,082	33,044	34,035
6	30,239	31,147	32,082	33,044	34,035	35,056
7	31,147	32,082	33,044	34,035	35,056	36,108
8	32,082	33,044	34,035	35,056	36,108	37,191
9	33,044	34,035	35,056	36,108	37,191	38,307
10	34,035	35,056	36,108	37,191	38,307	39,457
11	35,056	36,108	37,191	38,307	39,457	40,640
12	36,108	37,191	38,307	39,457	40,640	41,858
13	37,191	38,307	39,457	40,640	41,858	43,114

(2) Effective on the first day of the pay period that includes October 1, 2002, the pay schedule for teachers is as follows:

Annual Hours -- 2080      Note: Does Not Include Insurance  
Term -- Twelve Months      Matrix Type -- Annual  
Education Level

STEP	BA	BA+15	BA+30	BA+45	BA+60	BA+75
1	27,129	27,942	28,780	29,643	30,532	31,449
2	27,942	28,780	29,643	30,532	31,449	32,393
3	28,780	29,643	30,532	31,449	32,393	33,365
4	29,643	30,532	31,449	32,393	33,365	34,366
5	30,532	31,449	32,393	33,365	34,366	35,396
6	31,449	32,393	33,365	34,366	35,396	36,459
7	32,393	33,365	34,366	35,396	36,459	37,552
8	33,365	34,366	35,396	36,459	37,552	38,679
9	34,366	35,396	36,459	37,552	38,679	39,840
10	35,396	36,459	37,552	38,679	39,840	41,035
11	36,459	37,552	38,679	39,840	41,035	42,266
12	37,552	38,679	39,840	41,035	42,266	43,532
13	38,679	39,840	41,035	42,266	43,532	44,839"

15. Page 16, line 18.

**Insert: "Section 7.** Section 5-2-301, MCA, is amended to read:

**"5-2-301. Compensation and expenses for members while in session.** (1) Legislators are entitled to a salary commensurate to that of the daily rate of an entry grade 10 classified state employee in effect when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The president of the senate and the speaker of the house must receive an additional \$5 a day in salary for those days during which the legislature is in session.

(2) Legislators may serve for no salary.

(3) Subject to subsection (4), legislators are entitled to a daily allowance, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments must stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

(4) After November 15, and prior to December 15 of each even-numbered year, the department of administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North Dakota,

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

South Dakota, Wyoming, and Idaho. The department shall include the average daily expense allowance for Montana legislators in determining the average daily rate for legislators. The department shall include only states with specific daily allowances in the calculation of the average. If the average daily rate is greater than the daily rate for legislators in Montana, ~~the average is the~~ legislators are entitled to a new daily rate for legislators for those days during which the legislature is in session. The new daily rate is the daily rate for the prior legislative session, increased by the percentage rate increase as determined by the survey, a cost of living increase to reflect inflation that is calculated pursuant to 15-6-134, or 5%, whichever is less. The expense allowance is effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-103.

(5) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

(6) In addition to the mileage allowance provided for in subsection (5), legislators, upon submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

(a) three additional round trips to their place of residence during each regular session; and

(b) additional round trips as authorized by the legislature during special session.

(7) Legislators are not entitled to any additional mileage allowance under subsection (5) for a special session if it is convened within 7 days of a regular session.""

**Renumber:** subsequent sections

16. Page 16, line 24.

**Strike:** "150,307 30,560 402,024 80,888"

**Insert:** "145,571 29,596 388,359 78,107"

17. Page 16, line 26.

**Strike:** "95,711 10,788 261,444 29,470"

**Insert:** "93,728 10,564 253,634 28,560"

18. Page 16, line 27.

**Strike:** "3,539,813 3,094,019 8,908,683 7,786,750"

**Insert:** "3,491,176 3,051,506 8,759,051 7,655,963"

19. Page 16, line 28.

**Strike:** "4,477,047 8,334,262 12,114,365 22,473,891"

**Insert:** "4,302,871 6,718,472 11,606,426 18,059,051"

20. Page 16, line 29.

**Strike:** "42,272 108,334"

**Insert:** "41,836 107,216 "

21. Page 17, line 6.

**Strike:** "1,000,000"

**Insert:** "800,000"

22. Page 17, following line 6.

**Insert:** "(3) The following money is appropriated for the biennium to the legislative branch for use when personnel vacancies do not occur, retirement costs exceed branch resources, or other contingencies arise:

Fiscal Year 2002  
General Fund

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Personal Services Contingency                      200,000

(4) The following money is appropriated for the biennium to the legislative branch to reduce the discrepancy between actual branch salaries and statutory market salaries:

		Fiscal Year 2002	
		General Fund	Other Funds
Statutory Market Salary Adjustment	400,000	34,500"	

And, as amended, do pass. Report adopted.

**HB 14**, introduced bill, be amended as follows:

3/20/2001

1. Title, page 1, line 8.

**Following:** "APPROPRIATIONS;"

**Insert:** "AMENDING SECTION 2, CHAPTER 518, LAWS OF 1999;"

2. Page 1, line 12.

**Strike:** "10"

**Insert:** "9"

3. Page 1, line 15.

**Following:** "projects"

**Insert:** ", including broadcast transmission lines, transmitters, and related equipment,"

**Following:** "through"

**Strike:** "10"

**Insert:** "9"

4. Page 1.

**Strike:** lines 26 and 27 in their entirety

5. Page 1, line 29.

**Strike:** "8,547,000"

**Insert:** "\$5,000,000" [CPF]

Page 1, following line 30.

**Insert:** "It is the intent of the 57<sup>th</sup> legislature that the department of corrections reduce its general fund present law base by \$300,000 a year because of the savings from paying local governments to hold offenders as a result of building the new reception center. This reduction is to occur when the new reception center starts receiving offenders. The reduction for the first year is to be on a pro rata basis for the portion of the first fiscal year that the new reception center is receiving offenders. The reduction in the following years is to be \$300,000."

6. Page 2.

**Strike:** lines 1 and 2 in their entirety

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

7. Page 2, following line 4.

**Insert:** "It is the intent of the 57<sup>th</sup> legislature that all future operating and maintenance for the Dillon armory be funded from its base budget."

8. Page 2.

**Strike:** lines 10 and 11 in their entirety

9. Page 2.

**Strike:** lines 15 and 16 in their entirety

10. Page 2, line 19.

**Strike:** "4,125,000"

**Insert:** "2,000,000"

11. Page 2.

**Following:** line 20

**Insert:** "Agricultural Experiment Station, 1,000,000"[CPF]

**Insert:** "MSU-Bozeman"

**Insert:** "Install PBS Digital Conversion, 1,892,286"[CPF]

**Insert:** "MSU-Bozeman"

**Insert:** "(2) The university system and the information services division of the department of administration will work together to develop network plans or procedures that provide for the highest degree of bandwidth and cost-sharing capability between the university system and the department that is within technical specifications agreed to by the parties and is mutually beneficial to them. This obligation to cooperate and coordinate for the purpose of seeking mutually beneficial network arrangements applies to the intercity transport services acquired by the university system or the department of administration to meet the needs of the public broadcast system, including the utilization and sharing of excess capacity bandwidth to help meet the telecommunication needs of all state agencies in a manner that is both cost-effective and compatible with the efficient operation of the public broadcast system."

**Renumber:** subsequent subsections

12. Page 2.

**Strike:** lines 21 through 26

**Renumber:** subsequent sections

13. Page 2, line 27.

**Following:** "funding"

**Insert:** "in the amount of \$2 million"

14. Page 3, line 1.

**Following:** "\$81,310,000"

**Insert:** "for up to 20 years and not exceeding \$1,892,286 for up to 10 years"

15. Page 3, line 8 through page 4, line 22.

**Strike:** sections 4 through 7 in their entirety

**Renumber:** subsequent sections

16. Page 5, following line 1.

**Insert:** "NEW SECTION. **Section 5. Agreement with Montana university system.** If Montana public broadcasting

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

services receives funding at a higher federal participation rate than 67%, the amount authorized for general obligation long-range building program bonds to install PBS digital conversion through MSU-Bozeman in [section 2] must be reduced by the amount of the increased federal share."

**Insert: "NEW SECTION. Section 6. Agreement with department of corrections.** The board of examiners and the department of corrections may enter into an agreement for the construction of the central reception unit in Deer Lodge, under which the department will reduce the \$5 million of bonds requested to be issued by the amount of additional federal funds that are being received for the central reception unit. After the bonds have been issued for the project, future federal funds received for construction of the central reception unit will be used to pay the portion of the debt service related to the central reception unit project in accordance with federal provisions governing use of the federal money."

**Insert: "NEW SECTION. Section 7. Agreement with Montana state university agricultural experiment station.** The board of examiners and the Montana state university agricultural experiment station may enter into an agreement for the construction and repair of various experiment station buildings at the following locations: \$1,250,000 for Huntley, \$180,000 for Moccasin, \$200,000 for Havre, \$210,000 for Sidney, and \$160,000 for Kalispell. The amount of \$1 million for these projects will be funded from CPF, and the amount of \$1 million will be funded from the non-LRBP fund sources in House Bill No. 5."

17. Page 5, following line 21.

**Insert: "NEW SECTION. Section 11. Legislative intent to increase maintenance funding.** It is the intent of the 57th legislature that the department of administration and the office of budget and program planning make a payment of \$665,000 a year of debt service from the general fund instead of the long-range building account on the 1996D bond issue, the 1997B bond issue, and the 1999C bond issue and increase the general fund statutory appropriation for debt service by a like amount. The \$665,000 a year in the long-range building account is to be appropriated by the legislature for deferred maintenance and to develop a design to expand the university of Montana college of technology in Helena."

**Insert: Section 12. Section 2(1), Chapter 518, Laws of 1999, is amended to read:**

**"Section 2. Appropriation of bond proceeds and other funds.** (1) The following money is appropriated from the CPF and other funding sources to the department of administration for the capital projects described in this section, contingent upon the respective authorization of general obligation long-range building program bonds by the 56th legislature and the sale of the bonds by the board of examiners:

Agency/Project	CPF	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Capitol Renovation	\$3,898,750	\$
DEPARTMENT OF CORRECTIONS		
Expand Women's Prison, MWP, Billings	\$2,900,000	
Complete Pine Hills Youth Correctional Facility, Miles City	2,225,000	
Security Improvements and Wallace Expansion, MSP, Deer Lodge	3,000,000	
DEPARTMENT OF LABOR AND INDUSTRY		
Havre Job Service Supplemental	210,000	
DEPARTMENT OF MILITARY AFFAIRS		
Montana National Guard, Veterans' Affairs and		
Emergency Operations Center, Fort Harrison, Helena		3,500,000
Construct New Armory, Kalispell	1,800,000	

The proceeds of this bond issue, up to the amount authorized, are restricted to be used for the installation of a new water and sewer system that will serve the Kalispell armory, except for up to \$100,000 for construction of space for a veterans' administration office.

Construct New Armory, Bozeman 2,200,000  
MONTANA UNIVERSITIES AND COLLEGES

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Renovate Renne Library, MSU-Bozeman 7,500,000  
Rural Technology Education Center, UM-Dillon 4,170,000  
Lab and Classroom Renovations, UM-All Campuses 2,000,000"

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 516**, do pass. Report adopted.

3/21/2001

**HB 641**, do pass. Report adopted.

**HJR 34**, be adopted. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/21/2001

**SB 77**, be amended as follows:

1. Title, line 15.

**Strike:** "53-4-247,"

2. Title, line 18.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 30, line 1 through line 5.

**Strike:** section 26 in its entirety

**Renumber:** subsequent sections

4. Page 30.

**Following:** line 19

**Insert:** "(5) 'Section 1931 medicaid benefits' means medical assistance authorized by 42 U.S.C. 1396u-1 for families eligible for the Montana medicaid program, as established in Title 53, chapter 6, based on the department's income limitations, as increased each year by that year's increase in the Consumer Price Index for Urban Wage Earners, compiled by the U.S. department of labor, bureau of labor statistics, and other standards approved by the federal government for 1996 for the federal aid to families with dependent children program, as that program was established under Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.)."

5. Page 32, line 14 through line 15.

**Strike:** "financial assistance"

6. Page 32, line 15.

**Following:** "~~project~~"

**Insert:** "section 1931 medicaid benefits"

7. Page 32, line 16.

**Following:** "~~source~~"

**Insert:** "to the assistance unit, as that term is defined in the rules of the department,"

8. Page 32, line 25.

**Following:** "53-4-606."

**Insert:** "The department may count education activities as an allowable work activity in a family investment agreement"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

for up to 60 months in a FAIM project cash assistance program consistent with federal law."

9. Page 39, line 6.

**Strike:** "benefits from" through "53-4-201,"

10. Page 39, line 7.

**Following:** "project"

**Insert:** "section 1931 medicaid benefits, as defined in 53-4-602,"

**Following:** "income"

**Insert:** "to the assistance unit, as that term is defined in the rules of the department"

11. Page 39, line 24 through line 25.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsections

12. Page 39, line 28.

**Strike:** "(1)(e)"

**Insert:** "(1)(d)"

13. Page 40, line 28 through line 29.

**Strike:** "financial assistance" on lines 28 and 29

**Insert:** "section 1931 medicaid benefits"

14. Page 40, line 29.

**Strike:** "53-4-201"

**Insert:** "53-4-602"

15. Page 40, line 30 through page 41, line 1.

**Strike:** "FAIM" on page 40, line 30 through "financial assistance" on page 41, line 1

**Insert:** "section 1931 medicaid program"

16. Page 42, line 11.

**Strike:** "financial assistance"

**Insert:** "section 1931 medicaid program"

17. Page 42, line 20.

**Strike:** "financial" through "53-4-201,"

18. Page 42, line 22.

**Following:** "~~53-4-603~~"

**Insert:** "section 1931 medicaid benefits, as defined in 53-4-602,"

**Following:** "increased"

**Insert:** "earned or unearned"

**Strike:** "from any source"

19. Page 42, line 23.

**Following:** "~~disregards~~"

**Insert:** "to the assistance unit, as that term is defined in the rules of the department"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

20. Page 43.

**Following:** line 19

**Insert:** "**Insert:** "NEW SECTION. Section 45. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to payments made after January 1, 2001, for mental health services provided to children with serious emotional disturbances for whom mental health services are not provided by any other public mental health services program and whose family income is at or below 150% of the federal poverty level."

And, as amended, be concurred in. Report adopted.

**SB 207**, be amended as follows:

3/20/2001

1. Page 2, line 22.

**Strike:** "ONLY"

And, as amended, be concurred in. Report adopted.

**SB 309**, be amended as follows:

1. Title, line 6.

**Strike:** "24"

**Insert:** "36"

2. Page 6, line 12.

**Strike:** "24"

**Insert:** "36"

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/20/2001

**SB 128**, be amended as follows:

1. Title, page 1, line 4.

**Following:** "PENALTIES FOR"

**Insert:** "PROSTITUTION,"

2. Title, page 1, line 5.

**Following:** the first "PROSTITUTION"

**Insert:** ", "

3. Title, page 1, line 9.

**Following:** "45-2-101,"

**Insert:** "45-5-601,"

4. Page 11, line 6.

**Insert:** "**Section 2.** Section 45-5-601, MCA, is amended to read:

"**45-5-601. Prostitution.** (1) A person commits the offense of prostitution if ~~such~~ the person engages in or agrees or offers to engage in sexual intercourse with another person for compensation, whether such compensation is



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

received or to be received or paid or to be paid.

(2)(a) A ~~person prostitute~~ convicted of prostitution shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A prostitute's client who is convicted of prostitution shall for the first offense be fined an amount not to exceed \$1,000 or be imprisoned for a term not to exceed 1 year, or both, and for a second or subsequent offense shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both.""

**Renumber:** subsequent sections

5. Page 11, line 27.

**Strike:** "20"

**Insert:** "10"

6. Page 12, line 10.

**Strike:** "100"

**Insert:** "20"

And, as amended, be concurred in. Report adopted.

**SB 226**, be concurred in. Report adopted.

**SB 368**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

3/21/2001

**HB 124**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Following:** "ALLOCATIONS;"

**Insert:** "CALCULATING ENTITLEMENTS BY DEDUCTING DISTRICT COURT COSTS AND PUBLIC ASSISTANCE COSTS;"

2. Title, page 1, line 13.

**Strike:** "ELIMINATING"

**Insert:** "INCLUDING"

3. Title, page 1, line 14.

**Strike:** "AND LAND OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

**Insert:** "IN THE ENTITLEMENT SHARE CALCULATION"

4. Title, page 1, line 18.

**Strike:** "PAYMENTS"

**Insert:** "BLOCK GRANTS"

5. Title, page 1, line 21.

**Following:** "TRANSPORTATION"

**Insert:** "BLOCK GRANTS"

**Following:** "RETIREMENT"

**Insert:** "BLOCK GRANTS"

6. Title, page 1, line 23.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Strike:** "7-6-2348,"

7. Title, page 1, line 24.

**Strike:** "7-6-2502,"

8. Title, page 1, line 25.

**Strike:** "7-6-4259,"

9. Title, page 1, line 26, through page 1, line 28.

**Strike:** "7-12-2105," on line 26 through "7-13-4406," on line 28

10. Title, page 2, line 5.

**Following:** "15-16-117,"

**Insert:** "15-24-303, 15-24-902, 15-24-904,"

11. Title, page 2, line 6.

**Strike:** "17-3-221, 17-3-222,"

**Following:** "17-7-502,"

**Insert:** "19-6-709,"

12. Title, page 2, line 7.

**Strike:** "20-6-413,"

13. Title, page 2, line 9.

**Strike:** "23-2-817,"

14. Title, page 2, line 10.

**Strike:** "23-5-612,"

15. Title, page 2, line 11.

**Following:** "53-2-207,"

**Insert:** "53-2-301,"

**Following:** "53-2-304,"

**Strike:** "53-2-801,"

**Insert:** "53-2-612,"

16. Title, page 2, line 13.

**Strike:** "61-3-422,"

**Strike:** "61-3-453,"

**Following:** "61-3-524,"

**Insert:** "61-3-527,"

17. Title, page 2, line 16.

**Following:** "76-15-623,"

**Insert:** "77-1-502, 77-1-503, 77-1-504,"

**Following:** "80-2-205,"

**Insert:** "80-2-206,"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

18. Title, page 2, line 18.

**Following:** "80-2-230,"

**Insert:** "80-2-231,"

19. Title, page 2, line 19.

**Following:** "81-6-210,"

**Insert:** "81-7-104, 81-7-113, 81-7-114,"

20. Title, page 2, line 24.

**Following:** "20-25-1007,"

**Insert:** "52-1-110, 53-2-302, 53-2-306,"

**Following:** "53-2-322,"

**Insert:** "53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247,"

21. Title, page 2, line 25.

**Strike:** "77-1-501, 77-1-502, 77-1-503, 77-1-504,"

22. Title, page 2, line 26.

**Following:** "80-2-223,"

**Insert:** "AND"

**Strike:** "87-1-603, AND 87-1-604,"

23. Page 3, lines 1 through 4.

**Following:** "payment" on line 1

**Insert:** "-- appropriation"

**Following:** "(1)" on line 1

**Strike:** remainder of line 1 through "." on line 4

24. Page 3, line 5.

**Following:** "."

**Insert:** "The department shall estimate each local government's base component for the fiscal year ending June 30, 2001, in an amount equal to the revenue that the local government received from the following sources prior to the passage of [this act]:

(a) personal property tax reimbursements pursuant to:

(i) sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(ii) 15-1-111; and

(iii) 15-1-112;

(b) vehicle and boat taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-321;

(v) Title 61, chapter 3, part 5, except for 61-3-537; and

(vi) Title 61, chapter 3, part 7;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

(iii) 25-1-1103;  
(iv) 25-9-506;  
(v) 25-9-804; and  
(vi) 27-9-103;  
(e) certificate of ownership fees for manufactured homes pursuant to 15-1-116;  
(f) financial institution taxes pursuant to Title 15, chapter 31, part 7;  
(g) coal severance taxes allocated for county land planning pursuant to 15-35-108;  
(h) all beer, liquor, and wine taxes pursuant to:  
(i) 16-1-404;  
(ii) 16-1-406; and  
(iii) 16-1-411;  
(i) late filing fees pursuant to 61-3-201;  
(j) title and registration fees pursuant to 61-3-203;  
(k) disabled veterans flat license plate fees and purple heart license plate fees pursuant to 61-3-332;  
(l) county personalized license plate fees pursuant to 61-3-406;  
(m) special mobile equipment fees pursuant to 61-3-431;      (n) single movement permit fees pursuant to 61-4-310;  
(o) state aeronautics fees pursuant to 67-3-101; and  
(p) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5."

25. Page 3, lines 6 through 17.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) The department shall deduct from the amount calculated pursuant to subsection (1), the increased costs for the state assumption of district court expenses provided for in 3-5-901 and the increased state costs for the assumption of public assistance.

(3) (a) By July 1 of each year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

(i) The department shall calculate the average annual growth rate of Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period in subsection (3)(a)(i)(A).

(ii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period in subsection (3)(a)(ii)(A).

(b) (i) For fiscal years 2002 through 2005, the entitlement share pool growth rate for the first year of the biennium must be 70% of the average of the growth rates calculated in subsections (3)(a)(i)(B) and (3)(a)(ii)(B).

(ii) The entitlement share pool growth rate for the second year of the biennium must be 70% of the average of the growth rates calculated in subsections (3)(a)(i)(A) and (3)(a)(ii)(A).

(c) (i) For fiscal year 2006 and subsequent fiscal years, the entitlement share pool growth rate for the first year of the biennium must be 54% of the average of the growth rates calculated in subsections (3)(a)(i)(B) and (3)(a)(ii)(B).

(ii) The entitlement share pool growth rate for the second year of the biennium must be 54% of the average of the growth rates calculated in subsections (3)(a)(i)(A) and (3)(a)(ii)(A).""

**Renumber:** subsequent subsections

26. Page 3, line 19.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Following:** "."

**Insert:** "A local government does not include a tax increment financing district provided for in subsection (6). A local government receiving an entitlement share shall take into account revenue received on behalf of a special district."

27. Page 3, line 20.

**Following:** "(4)"

**Insert:** "(a)"

28. Page 3, line 21.

**Following:** "."

**Insert:** "The distributions must be made on a quarterly basis beginning September 15, 2001. For the fiscal year beginning July 1, 2001, the department may not include a financial institution tax reimbursement in the entitlement share for a local government or school district unless the local government or school district accrued the revenue from that tax in fiscal year 2000."

29. Page 3, line 22.

**Following:** line 21

**Insert:** "(b) (i) The amount of money representing the growth factor in the entitlement share must be calculated separately for:

(A) counties and consolidated local governments; and

(B) incorporated cities and towns.

(ii) The amount of money representing the growth factor in the entitlement share for counties and consolidated local governments is allocated as follows:

(A) 50% of the growth factor must be allocated to counties and consolidated local governments based upon each county's or consolidated local government's percentage of the entire entitlement share for all counties and consolidated local governments; and

(B) 50% of the growth factor must be allocated to each county or consolidated local government based upon the percentage that each county's or consolidated local government's population bears to the state population as determined by the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) The amount of money representing the growth factor in the entitlement share for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth factor must be allocated to incorporated cities and towns based upon each city's or town's percentage of the entire entitlement share for all incorporated cities and towns; and

(B) 50% of the growth factor must be allocated to each incorporated city or town based upon the percentage that each city's or town's population bears to the percentage of the state's population residing within incorporated cities and towns as determined by the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census."

30. Page 3, line 23.

**Following:** "district"

**Insert:** "referred to in subsection (6)(b)"

31. Page 3, lines 26 and 27.

**Following:** "(b)" on line 26

**Insert:** "One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the other half by May 31 of each year."

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Strike:** "(5)(a)" on line 26

**Insert:** "(6)(a)"

**Following:** "districts" on line 26

**Strike:** remainder of line 26 through "government" on line 27

32. Page 4, line 14.

**Insert:** "(c) The entitlement share for industrial tax increment financing districts is as follows:

(i) for fiscal years 2002 and 2003:

Missoula County Airport Industrial \$4,812

Silver Bow Ramsay Industrial 1,195,188;

(ii) for fiscal years 2004 and 2005:

Missoula County Airport Industrial \$2,406

Silver Bow Ramsay Industrial 597,594; and

(iii) \$0 for all succeeding fiscal years.

(7) The estimated entitlement share base for local governments does not include revenue received from countywide transportation block grants or from countywide retirement block grants.

(8) The estimates for the entitlement share base in subsection (1) must be calculated as if the fees in Chapter 515, Laws of 1999, were in effect for all of fiscal year 2001.

(9) (a) If revenue that is included in the entitlement share under subsections (1)(b) through (1)(p) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share to reflect an allocation of the loss of revenue.

(b) For the purposes of subsection (9)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year."

33. Page 5, line 1 through line 26.

**Strike:** "-- appropriation"

**Following:** "." on line 1

**Strike:** remainder of line 1 through line 26 in their entirety

**Insert:** "(1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$33,422 for fiscal year 2002 and \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) \$3,641,987 in fiscal year 2002;

(b) \$3,696,617 in fiscal year 2003;

(c) \$3,752,066 in fiscal year 2004; and

(d) in each succeeding fiscal year, the amount in subsection (2)(d), increased by 1.5% in each succeeding fiscal year.

(3) For fiscal year 2002 and for each succeeding fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$1.50 for each new application for a motor vehicle title and for each transfer of a motor vehicle title, as provided for in 61-3-508; and

(ii) 50 cents for each passenger car or truck under 8,001 pounds GVW registered for licensing, as provided for in 61-3-508;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in 23-2-803;

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

and

- (ii) \$1.50 for each motor vehicle subject to registration or reregistration pursuant to 61-3-510;
  - (c) to the department of fish, wildlife, and parks:
    - (i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512;
    - (ii) \$5 for each snowmobile registered under 23-2-616;
    - (iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;
    - (iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809; and
    - (v) \$3.50 for each recreational vehicle, camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-512;
  - (d) to the state veteran's cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332; and
  - (e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle, other than trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement.
- (4) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available."
- Renumber:** subsequent subsection

34. Page 7, line 29.

**Following:** "~~(11):~~"

**Insert:** "There must be paid into this account the filing fees paid under 25-1-201(3)(a) and (6)."

35. Page 18, line 10 through line 20.

**Strike:** section 23 in its entirety

**Renumber:** subsequent sections

36. Page 18, line 30 through page 19, line 10.

**Strike:** section 25 in its entirety

**Renumber:** subsequent sections

37. Page 20, line 12.

**Strike:** "The"

**Insert:** "Subject to 15-10-420, the"

38. Page 21, line 28 through page 22, line 8.

**Strike:** section 33 in its entirety

**Renumber:** subsequent sections

39. Page 27, line 17 through page 42, line 13.

**Strike:** section 44 through section 63 in their entirety

**Renumber:** subsequent sections

40. Page 66, line 7.

**Following:** "not exceed"

**Insert:** "an amount equal to the actual cost paid, up to"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Following:** "\$70"

**Insert:** ", "

41. Page 66, line 27.

**Following:** "and"

**Insert:** "veterans' license plate sales and"

42. Page 71, line 7.

**Strike:** "taxable value of"

**Insert:** "revenue generated by"

43. Page 71, line 24.

**Following:** "20-5-324(5)"

**Insert:** "or 20-6-413"

44. Page 73, line 19.

**Strike:** "and"

45. Page 73, line 22.

**Following:** "improvements"

**Insert:** "; and

(f) the dissolution or termination of a tax increment financing district"

46. Page 73, lines 23 through 25.

**Following:** "(4)" on line 23

**Strike:** remainder of line 23 through "(b)" on line 25

47. Page 73, line 28.

**Following:** "20-5-324(5)"

**Insert:** "or 20-6-413"

48. Page 75, line 7.

**Insert:** "**Section 98.** Section 15-24-303, MCA, is amended to read:

**"15-24-303. (Temporary) Proration of tax on personal property -- refund.** (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock ~~assessed~~ for which a fee is imposed under 15-24-902(2).

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613.

**15-24-303. (Effective January 1, 2003) Proration of tax on personal property -- refund.** (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock subject to the per capita ~~levy fee~~ under 15-24-921.

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613.""

**Insert:** "**Section 99.** Section 15-24-902, MCA, is amended to read:



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**"15-24-902. (Temporary) Assessment Number of livestock ~~--election for assessment on average inventory basis.~~** (1) Except as provided in subsection (2), the department of revenue shall ~~assess~~ determine the number of all nonexempt livestock in each county where they are located on February 1 of each year. The livestock must be ~~assessed~~ assigned to the person by whom they were owned or claimed or in whose possession or control they were at midnight of February 1 in that year.

(2) An owner of livestock may elect to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis as provided in 15-24-927. The owner shall file an election with the department on the statement required under 15-24-903. An owner of livestock making an election to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis is bound by that election for 6 years. After 6 years, the election to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis remains in effect unless the owner otherwise notifies the department before February 1.

**15-24-902. (Effective January 1, 2003) Assessment Number of livestock.** The department shall ~~assess~~ determine the number of livestock for the purposes of the per capita ~~levy~~ fee imposed under 15-24-921 in each county where they are located on February 1 of each year. The livestock must be ~~assessed~~ assigned to the person by whom they were owned or claimed or in whose possession or control they were at midnight of February 1 in that year."

**Insert:** "Section 100. Section 15-24-904, MCA, is amended to read:

**"15-24-904. (Temporary) Penalty for violation of law.** If any person, company, or corporation who is the owner or is in charge of any livestock within this state fails to make the statement or statements as provided in 15-24-903, the department shall, after 10 days' notice to the person who failed to file the report, assess the penalty provided in 15-8-309.

**15-24-904. (Effective January 1, 2003) Penalty for violation of law.** If a person, company, or corporation who is the owner or is in charge of livestock within this state fails to make the statement or statements as provided in 15-24-903, the department shall, after 10 days' notice to the person who failed to file the report, access the penalty provided in 15-8-309 ~~for the~~ on the per capita ~~levy~~ fee, as provided in 15-24-921."

**Renumber:** subsequent sections

49. Page 75, line 24.

**Strike:** "counties"

**Insert:** "department"

50. Page 76, line 14.

**Strike:** "counties"

**Insert:** "department"

51. Page 76, line 26.

**Following:** "Reimbursement to"

**Strike:** "county"

**Insert:** "department"

**Strike:** "from county"

52. Page 76, line 27.

**Strike:** the first "treasurer"

**Following:** "The"

**Strike:** "county treasurer"

**Insert:** "department"

53. Page 76, line 28.

**Strike:** "to the county"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

54. Page 76, line 29 through page 77, line 2.

**Following:** "(2)" on line 29

**Strike:** remainder of line 29 through "." on page 77, line 2

**Strike:** "county treasurer"

**Insert:** "department"

55. Page 77, lines 4 and 5.

**Strike:** "state treasurer" on line 4

**Insert:** "department of livestock"

**Following:** "by the" on line 4

**Strike:** remainder of line 4 through "treasurer" on line 5

**Insert:** "department"

56. Page 85, line 27 through page 86, line 11.

**Strike:** sections 129 and 130 in their entirety

**Renumber:** subsequent sections

57. Page 86, line 25.

**Following:** "~~17-3-222~~;"

**Insert:** "17-3-222;"

58. Page 86, line 26.

**Strike:** "19-6-709;"

59. Page 86, line 27.

**Following:** "~~23-5-612~~;"

**Insert:** "23-5-612;"

60. Page 87, line 14.

**Insert:** "**Section 110.** Section 19-6-709, MCA, is amended to read:

**"19-6-709. (Temporary) Supplemental benefits for certain retirees.** (1) In addition to any retirement benefit payable under this chapter, a retired member or a survivor determined by the board to be eligible under subsection (2) must receive an annual lump-sum benefit payment beginning in September 1991 and each succeeding year as long as the member remains eligible.

(2) To be eligible for the benefits under this section, a person must be receiving a monthly benefit before July 1, 1991, may not be covered by 19-6-710, and must be:

(a) a retired member who is 55 years of age or older and who has been receiving a service retirement benefit for at least 5 years prior to the date of distribution;

(b) a survivor of a member who would have been eligible under subsection (2)(a); or

(c) a recipient of a disability or survivorship benefit under 19-6-601 or 19-6-901.

(3) A retired member otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19 is ineligible to receive any lump-sum benefit payments provided for in this section until the member's service in the covered position is terminated. Upon termination of the member's covered service, the retired member becomes eligible in the next fiscal year succeeding the member's termination.

(4) (a) ~~An amount equal to 25 cents of each motor vehicle registration fee provided for in 61-3-321(5) must be paid from the general fund to the pension trust fund at the end of each fiscal year. The payment is statutorily appropriated, as provided in 17-7-502, to the pension fund for payment of benefits to eligible recipients. The total funds must be distributed by the board in lump-sum payments to eligible recipients along with their normal retirement benefit~~

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

~~payment.~~

~~\_\_\_\_\_~~(b) The lump-sum payment must be distributed proportionally to all eligible recipients based on service credit at the time of retirement, subject to the following:

~~(i)(a)~~ a recipient under subsection (2)(c) is considered to have 20 years of service for the purposes of the distributions;

~~(ii)(b)~~ any recipient of a service retirement benefit exceeding the maximum monthly benefit under 19-6-707(2)(a) must have the recipient's service credit reduced 25% for the purposes of the distributions;

~~(iii)(c)~~ the maximum annual increase in the amount of supplemental benefits paid to each individual under this section is the percentage increase for the previous calendar year in the annual average consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor or its successor agency.

~~(c) Any amount deposited in the pension trust fund under subsection (4)(a) for the payment of supplemental benefits under this section that exceeds the limitation of subsection (4)(b)(iii) must be used to amortize unfunded liabilities of the retirement system.~~

~~(5) Every 10 years following July 1, 1991, the board shall review the size of the additional fee collected under 61-3-321(5) and paid to the pension trust fund in accordance with subsection (4)(a) and recommend to each legislature following the board's review any legislation necessary to reduce the fee to the minimum amount necessary to provide the supplemental benefits provided by this section. (Terminates upon death of last eligible recipient--sec. 1, Ch. 567, L. 1991.)"~~

**Renumber:** subsequent sections

61. Page 89, line 20 through page 90, line 10.

**Strike:** section 138 in its entirety

**Renumber:** subsequent sections

62. Page 92, line 24.

**Strike:** "and"

63. Page 92, line 25.

**Following:** "15-23-703"

**Insert:** "; and

(vi) school district block grants distributed under [section 243]"

64. Page 93, line 24.

**Insert:** "**Section 120.** Section 20-9-141, MCA, is amended to read:

**"20-9-141. Computation of general fund net levy requirement by county superintendent.** (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353, including any additional funding for a general fund budget that exceeds the maximum general fund budget.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

~~(ii)~~ 98% of actual amounts received in fiscal year 1999 for light vehicle taxes under 61-3-504;  
~~(iii)~~(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:  
~~(A)~~ revenue from taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;  
~~(B)~~(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and  
~~(C)~~(B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;  
~~(iv)~~(iii) anticipated tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2);  
~~(v)~~(iv) anticipated oil and natural gas production taxes; and  
~~(vi)~~(v) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703 and property tax reimbursements under 15-1-111, 15-1-112, and section 167, Chapter 584, Laws of 1999; and  
~~(vii)~~ anticipated revenue from corporation license taxes collected from financial institutions under the provisions of 15-31-702.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Subtract any amount remaining after the determination in subsection (1)(c) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703 and property tax reimbursements under 15-1-111, 15-1-112, and section 167, Chapter 584, Laws of 1999."

**Renumber:** subsequent sections

65. Page 97, line 5.

**Following:** line 4

**Insert:** "(iv) countywide school retirement block grants distributed under [section 244];"

**Renumber:** subsequent subsections

66. Page 98, line 14.

**Insert:** "**Section 125.** Section 20-9-501, MCA, is amended to read:

**"20-9-501. Retirement fund.** (1) The trustees of a district employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems. The district's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year; ~~including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(v) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.

(b) notwithstanding the provisions of subsection (8), subtracting the money available for reduction of the levy requirement, as determined in subsection (3)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(4) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(5) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

(6) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(7) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(8) The county superintendent shall calculate the number of mills to be levied on the taxable property in the

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (4)(a) by the sum of:

- (a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and
- (b) the taxable valuation of the district divided by 1,000.
- (9) The levy for a community college district may be applied only to property within the district."

**Renumber:** subsequent sections

67. Page 100, line 12.

**Following:** line 11

**Insert:** "(i) school district block grants distributed under [section 243];"

**Renumber:** subsequent subsections

68. Page 100, line 29.

**Insert:** "**Section 127.** Section 20-10-144, MCA, is amended to read:

**"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget.** Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate for each bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus

(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus

(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or \$100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus

(e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence.

(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and county revenue to be budgeted on the following basis:

(i) one-half is the budgeted state transportation reimbursement, except that the state transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 must be 50% of the schedule amount attributed to the transportation of special education pupils; and

(ii) one-half is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

~~(e) anticipated or reappropriated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

~~(f)~~(e) anticipated revenue from coal gross proceeds under 15-23-703;

~~(g)~~(f) anticipated oil and natural gas production taxes;

~~(h)~~(g) anticipated local government severance tax payments for calendar year 1995 production;

~~(i)~~(h) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;

~~(j)~~(i) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and

~~(k)~~(j) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund must be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and

(b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).

(5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."

**Renumber:** subsequent sections

69. Page 101, line 28.

**Following:** line 27

**Insert:** "(v) countywide school transportation block grants distributed under [section 245];"

**Renumber:** subsequent subsections

70. Page 102, line 12.

**Insert:** "Section 129. Section 20-10-146, MCA, is amended to read:

**"20-10-146. County transportation reimbursement.** (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year, ~~including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-23-703;

(v) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vi) federal forest reserve funds allocated under the provisions of 17-3-213; and

(vii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments.""

**Renumber:** subsequent sections

71. Page 104, line 5.

**Following:** "fees,"

**Insert:** "motorcycle safety fees,"

72. Page 105, line 27.

**Strike:** "\$6"

**Insert:** "\$2.50"

73. Page 109, line 9.

**Strike:** "\$6"



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Insert:** "\$5, a registration fee of 50 cents"

74. Page 109, lines 28 and 29.

**Following:** "to the" on line 28

**Strike:** remainder of line 28 through "61-3-509" on line 29

**Insert:** "state general fund"

75. Page 112, line 14 through page 113, line 5.

**Strike:** section 159 in its entirety

**Renumber:** subsequent sections

76. Page 118, line 22 through page 119, line 10.

**Strike:** section 162 in its entirety

**Renumber:** subsequent sections

77. Page 120, line 10.

**Strike:** "All"

**Insert:** "Except as provided in subsections (3) and (5) through (7), all"

78. Page 122, line 7.

**Following:** line 6

**Insert:** "(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 41-3-702, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund account established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 41-3-702 and \$30 must be deposited in the partner and family member assault intervention and treatment fund account established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) The clerk of district court shall remit to the credit of the adoption services state special revenue account established in 42-2-105 \$70 of the filing fee required in subsection (1)(q).

(6) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(7) The fees collected under subsections (1)(d), (1)(g), and (1)(j) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund for district court operations."

79. Page 126, line 27.

**Following:** "(q)"

**Insert:** "and from the district court filing fee pursuant to 25-1-201(5)"

80. Page 128, line 23.

**Insert:** "Section 153. Section 53-2-301, MCA, is amended to read:

"**53-2-301. County departments offices of public assistance to be established.** There ~~shall~~ must be established in each county of the state, ~~except in a county that has transferred its public assistance and protective services responsibilities to the state under the provisions of part 8 of this chapter, a county department of public welfare,~~

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

~~which shall consist of a county board of public welfare and such staff personnel as may be necessary for the efficient performance of the one or more local offices of public assistance activities of the county. If conditions warrant and if two or more county boards enter into an agreement, two or more counties may combine be combined into one administrative unit and the department may use the same local office of public assistance and staff personnel throughout the administrative unit to administer public assistance in the combined counties."~~

{Internal References to 53-2-301:

53-2-802\*r}""

**Renumber:** subsequent sections

81. Page 130, lines 2 and 3.

**Following:** "(2)" on line 2

**Strike:** remainder of line 2 through "chapter, the" on line 3

**Insert:** "The"

82. Page 131, lines 8 and 9.

**Following:** "(2)" on line 8

**Strike:** remainder of line 8 through "chapter, the" on line 9

**Insert:** "The"

83. Page 131, line 13 through line 24.

**Strike:** section 174 in its entirety

**Insert:** "**Section 155.** Section 53-2-612, MCA, is amended to read:

**"53-2-612. Lien of department or county upon third-party recoveries.** (1) Upon notice by the department, a county, or the recipient to a third party or the third party's insurer as provided in subsection (5)(b), the department or county has a lien upon all money paid by a third party or the third party's insurer in satisfaction of a judgment or settlement arising from a recipient's claim for damages or compensation for personal injury, disease, illness, or disability to the extent that the department or county has paid medical assistance on behalf of the recipient for the same personal injury, disease, illness, or disability.

(2) The department or county may, in the name of the recipient on whose behalf medical assistance has been paid by the department or county, commence and prosecute to final conclusion any action that may be necessary to recover from a third party or the third party's insurer compensation or damages for medical assistance paid by the department or county on behalf of the recipient. This section does not affect the right of the recipient to initiate and prosecute to final conclusion an action for damages or compensation in the recipient's own name in accordance with the provisions of this section.

(3) (a) The lien:

(i) applies to all money paid by a third party or a third party's insurer regardless of whether the recovery is allocated by the parties or a court to any particular type or element of damages; and

(ii) is subordinate to the lien of an attorney under 37-61-420.

(b) Unless specifically provided by law, the recipient's right to recover damages or compensation from a third party or a third party's insurer may not be reduced or denied on the ground that the recipient's costs of medical treatment and medical-related services have been paid by the department or county under any public assistance program.

(c) From the amount collected by the department, county, or recipient from legal proceedings or as a result of settlement, reasonable attorney fees and costs must be first deducted and paid. Unless the department or county and the recipient agree to a different settlement, the amount previously paid as medical assistance by the department or county, less a pro rata share of attorney fees and costs, must be deducted next and paid to the department or county. The remainder, if any, must be paid to the recipient.

(d) In all cases of payment to the department or county out of an amount collected from a third party or

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

insurer on a recipient's claim, the amount of the lien must be reduced by a pro rata share of attorney fees and costs as provided in subsection (3)(c), but the department or county may not be required to participate in payment of attorney fees and costs unless the recipient's claim results in recovery out of which the department or county receives full or partial payment of its lien.

(e) Except as provided in subsections (3)(e)(i) and (3)(e)(ii), the department may not impose a lien under this section upon a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1, or upon the assets of a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1.

(i) The department may impose a lien under this section upon a self-sufficiency trust or upon the assets of a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1, if the department is required by federal law to recover or collect from the trust or its assets as a condition of receiving federal financial participation for the medicaid program.

(ii) To the extent otherwise permitted by this section, the department is not precluded from asserting a claim or imposing a lien upon real or personal property prior to transfer of the property to the trust. If the department imposes a lien upon property prior to transfer to a self-sufficiency trust, any transfer of the property to the trust is subject to the lien.

(4) (a) A recipient of medical assistance or the recipient's legal representative shall notify the department or county by certified letter within 30 days if the recipient or the recipient's legal representative asserts a claim against a third party or a third party's insurer for damages or compensation for a personal injury, disease, illness, or disability for which the department or county paid medical assistance in whole or in part or for which the recipient has applied for medical assistance. The notice must be mailed to the director of the department or the director of the county department that paid medical assistance. At the same time, a copy must be sent by certified mail to the third party or the third party's insurer.

(b) The notice must contain the following information:

- (i) the name and address of the recipient and the recipient's legal representative, if any;
- (ii) the name and address of the third party alleged to be liable to the recipient;
- (iii) the name and address of any known insurer of the third party; and
- (iv) the judicial district and docket number of any action filed.

(c) A recipient or the recipient's legal representative who has received actual notice that the department or county has paid medical assistance is liable to the department or county for the amount it is entitled to receive under this section if:

(i) the recipient or the recipient's legal representative fails to timely notify the department or county or fails to mail a copy of the notice to the third party or the third party's insurer; and

(ii) a third party or the third party's insurer that did not receive notice from the department or county as provided for in subsection (5)(b) pays the recipient or the recipient's legal representative without satisfying any lien of the department or county.

(5) (a) If a third party or the third party's insurer that has received notice of the department's or county's lien as provided for in subsection (5)(b) makes payment in whole or in part of the recipient's claim without first satisfying the lien of the department or county, the third party or the third party's insurer is liable to the department or county for the amount the department or county is entitled to receive under this section.

(b) For the purposes of subsection (5)(a), a third party or the third party's insurer has been given notice if:

- (i) the department or county mails, by certified mail, to the third party or the third party's insurer:
  - (A) a statement of the medical assistance paid or that may be paid by the department or county on behalf of the recipient; and
  - (B) a claim for reimbursement;
- (ii) the recipient or the recipient's legal representative mails, by certified mail, to the third party or the third party's insurer:
  - (A) a copy of the notice required by subsection (4)(a); or
  - (B) a statement stating that the recipient has applied for or has received medical assistance from the department or county in connection with the same claim; or

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

(iii) the recipient or the recipient's legal representative has commenced an action against the third party or the third party's insurer for damages or compensation for personal injury, disease, illness, or disability for which the department or county has paid or may pay medical assistance, in whole or in part, and the department or county files in the court in which the action is pending a notice of lien stating that a lien is claimed for medical assistance on any money paid in satisfaction of any judgment in or settlement of the action and that:

(A) medical assistance in a stated amount has been paid by the department or county on behalf of the recipient; or

(B) medical assistance may be paid on behalf of the recipient.

(6) As used in this section, the following definitions apply:

(a) "County" means a county ~~department of welfare in a county that has not transferred its public assistance responsibilities to the state under the provisions of Title 53, chapter 2, part 8~~ provided medical assistance to a recipient through an indigent assistance program operated at the option of the county.

(b) "Legal representative" means an attorney having or exercising authority on behalf of a recipient with respect to a claim or action to recover damages or compensation from a third party or a third party's insurer.

(c) "Recipient" means a person on whose behalf the department or a county has paid or may pay medical assistance for the cost of medical treatment and medical-related services for personal injury, disease, illness, or disability. If the context allows, the term includes a recipient's legal representative.

(d) "Third party" means an individual, institution, corporation, or public or private agency that is or may be liable to pay all or part of the cost of medical treatment and medical-related services for personal injury, disease, illness, or disability of a recipient of medical assistance from the department or a county and includes but is not limited to insurers, health service organizations, and parties liable or who may be liable in tort.""

**Renumber:** subsequent sections

84. Page 136, line 7.

**Strike:** "\$6"

**Insert:** "\$5"

85. Page 136, lines 25 and 26.

**Following:** "(a)" on line 25

**Strike:** remainder of line 25 through "\$18" on line 26

**Insert:** "light vehicles under 2,850 pounds, \$13.25"

86. Page 137, lines 2 and 3.

**Strike:** ", travel trailers," on line 2

**Insert:** "with a declared weight of less than 2,500 pounds"

**Following:** "and" on line 2

**Strike:** remainder of line 2 through "\$12" on line 3

**Insert:** "\$8.25"

87. Page 137, line 11.

**Following:** "61-3-411"

**Strike:** ", "

**Insert:** "that are:

(i) over 2,850 pounds,"

88. Page 137, line 12.

**Following:** line 11

**Insert:** "(ii) under 2,850 pounds, \$5;"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

89. Page 137, line 12.

**Strike:** "\$6"

**Insert:** "\$9;

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton \$18.25;

(f) logging trucks less than 1 ton, \$23.25;

(g) motor homes, \$21.75;

(h) motorcycles and quadricycles, \$9.75;

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25; and

(j) trailers and semitrailers in excess of 6,000 pounds, \$16.25"

90. Page 137, line 20 through line 25.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) An additional fee of \$5 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002."

91. Page 138, line 7.

**Strike:** "Revenue"

**Insert:** "Except as otherwise provided in this section, revenue"

92. Page 138, line 21.

**Strike:** "in lieu of the fee provided in"

**Strike:** "61-3-321(3)"

93. Page 145, line 5.

**Strike:** "\$20"

**Insert:** "\$25"

94. Page 145, line 6.

**Following:** "\$10"

**Insert:** "a fee of \$10"

95. Page 146, line 9.

**Following:** "\$10"

**Insert:** "for a vehicle weighing more than 2,850 pounds and \$5 for a vehicle weighing 2,850 pounds or less"

96. Page 147, lines 11 through 20.

**Strike:** section 187 in its entirety

**Renumber:** subsequent sections

97. Page 147, line 28.

**Strike:** "\$10"

**Insert:** "\$5"

98. Page 148, line 23.

**Strike:** "\$10"

**Insert:** "\$5"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

99. Page 149, line 5 through line 11.

**Strike:** section 190 in its entirety

**Renumber:** subsequent sections

100. Page 151, line 16.

**Strike:** "\$6"

**Insert:** "\$1"

101. Page 152, line 1.

**Insert:** "Section 174. Section 61-3-527, MCA, is amended to read:

**"61-3-527. Fee in lieu of tax for motorcycles and quadricycles -- schedule of fees -- permanent registration.** (1) (a) There is a fee in lieu of property tax imposed on motorcycles and quadricycles. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle shall pay a fee based on the age of the motorcycle or quadricycle and the size of the engine, as follows:

(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:

- (i) less than 5 years old, \$30;
- (ii) 5 years old and less than 11 years old, \$15; and
- (iii) 11 years old and older, \$6.

(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:

- (i) less than 5 years old, \$55;
- (ii) 5 years old and less than 11 years old, \$20; and
- (iii) 11 years old and older, \$6.

(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:

- (i) less than 5 years old, \$90;
- (ii) 5 years old and less than 11 years old, \$50; and
- (iii) 11 years old and older, \$6.

(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(4) (a) The owner of a motorcycle or quadricycle that is 11 years old or older and that is subject to the fee in lieu of tax under this section may permanently register the motorcycle or quadricycle upon payment of a \$30 fee in lieu of tax, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed or amounts calculated for each of the following:

(i) the motorcycle safety ~~training~~ fee under ~~20-25-1007~~ 61-3-321 to be deposited in the account provided for in 20-25-1002;

(ii) weed control ~~fees~~ under ~~61-3-510~~ [section 3(3)(b)];

(iii) \$1 for the former county motor vehicle computer ~~fees under 61-3-511~~ fee; and

(iv) if applicable, renewal fees for personalized plates under 61-3-406.

(b) A person who permanently registers a motorcycle or quadricycle as provided in this subsection (4) shall pay an additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

the general fund an amount equal to the \$2 fee collected under this subsection (4)(b) from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709."

**Renumber:** subsequent sections

102. Page 164, line 6.

**Following:** "."

**Insert:** "Payments to the department of revenue are due on or before November 30 of each year."

103. Page 166, line 13.

**Insert:** "Section 199. Section 77-1-502, MCA, is amended to read:

**"77-1-502. Computation of state land equalization payment amount.** (1) The department of revenue shall compute the amount of taxes ~~which that~~ would be payable on the county assessments of ~~said~~ state-owned grazing, agricultural, or forest property as if it were owned by and taxable to a taxpayer of ~~such the~~ county.

(2) If the land is not classified, the sum ~~to be listed shall~~ must be determined by the average tax payment made on like property within the county ~~where said~~ in which the land is situated, not to exceed 12 cents per grazing acre, 35 cents per agricultural acre, and 12 cents per forest acre. The average tax may be derived from the most recent biennial report of the department of revenue. The total figure arrived at by this method ~~shall~~ must be called the gross assessment figure.

(3) The county exemption factor ~~shall~~ must be determined by dividing the percentage ~~that~~ the state-owned land bears to the total land area of the county into 6%. This quotient ~~shall~~ must be multiplied by the gross assessment figure, and the product is called the state exemption figure.

(4) The state exemption figure ~~shall~~ must be subtracted from the gross assessment to give the state land equalization payment amount."

**Insert:** "Section 200. Section 77-1-503, MCA, is amended to read:

**"77-1-503. Form to be completed by department of revenue.** The department shall provide a form for each county to be followed and completed by the department of revenue. The department of revenue shall, before October 1, make the computations required and submit to the department the completed forms, which must show the computations and method used in arriving at the state land equalization payment amount."

**Insert:** "Section 201. Section 77-1-504, MCA, is amended to read:

**"77-1-504. Processing of statements.** The department shall examine for accuracy the statement returned by the department of revenue, and the state land equalization payment amount may not be approved unless the state exemption figure is deducted from the gross assessment figure in the statement. The department shall, before November 1 of each year, prepare and file a claim with the department of administration for all counties that are eligible for state land equalization payments amounts, and this claim must show the amount of money that each eligible county will receive through the entitlement share provided for in [section 1]."

**Renumber:** subsequent sections

104. Page 168, line 1.

**Insert:** "Section 206. Section 80-2-206, MCA, is amended to read:

**"80-2-206. Cash payment.** When an applicant for hail insurance tenders cash for the insurance to the department of revenue, the applicant is allowed a discount of 4%. The hail insurance must be issued upon the cash payment less the 4%. The charge for the insurance must be based on the maximum rates shown on the application for hail insurance. If the current rates are reduced later, the board of hail insurance shall arrange for the proper refund to the insured. All cash received by the department of revenue must be ~~promptly turned over to the county treasurer, who shall furnish the insured with a current receipt and place the money in the hail insurance fund~~ deposited with the state treasurer."

**Renumber:** subsequent sections

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

105. Page 168, lines 15 and 16.

**Strike:** "cause an assessment" on line 15

**Insert:** "send a bill to the grain grower"

**Following:** "amount" on line 15

**Strike:** remainder of line 15 through "assessments" on line 16

**Insert:** "due for hail insurance under the provisions of this part"

106. Page 170, line 19.

**Strike:** "county treasurer"

**Insert:** "department of revenue"

107. Page 170, lines 20 and 21.

**Following:** "payable" on line 20

**Strike:** remainder of line 20 through "county" on line 21

**Insert:** "to the department of revenue"

108. Page 170, line 27.

**Strike:** "county treasurer"

**Insert:** "department of revenue"

109. Page 172, lines 7 and 8.

**Following:** "The" on line 7

**Strike:** remainder of line 7 through "state" on line 8

**Insert:** "department of revenue"

110. Page 172, lines 9 and 10.

**Following:** "~~collected~~" on line 9

**Strike:** remainder of line 9 through "fund" on line 10

**Strike:** "county treasurer"

**Insert:** "department of revenue"

**Strike:** "remit"

**Insert:** "deposit"

111. Page 172, lines 11 and 12.

**Strike:** "in" through "to" on line 11

**Insert:** "with"

**Following:** "treasurer" on line 11

**Strike:** remainder of line 11 through "state" on line 12

**Strike:** "All county treasurers"

**Insert:** "The department of revenue"

112. Page 172, line 13 through line 16.

**Following:** "~~the~~" on line 13

**Strike:** remainder of line 13 through line 16 in their entirety

113. Page 172, line 20.

**Strike:** "treasurer"

**Insert:** "department of revenue"



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

114. Page 172, line 24.

**Insert:** "Section 217. Section 80-2-231, MCA, is amended to read:

**"80-2-231. Foreclosure of lien.** If the person receiving hail insurance secured by a crop lien fails to pay ~~said~~ the fee for insurance to the ~~county treasurer~~ department of revenue by December 1 of the year in which the crop ~~so insured~~ is grown, the ~~county treasurer~~ department shall on that day or as soon as possible ~~thereafter~~ after that day deliver to the sheriff of ~~said the~~ county a full, true, and correct copy of the lien on file in the office of the clerk and recorder and ~~such the sheriff must shall~~ immediately demand from the person or persons signing ~~such the~~ lien payment of the amount due. ~~thereon and, if the same~~ If the fee is not paid to the sheriff upon ~~such~~ demand being made, the sheriff ~~must forthwith shall~~ seize and sell in the manner provided by law for the sale of personal property under execution a sufficient amount of grain belonging to ~~such the~~ person to pay the amount due for hail insurance together with interest and costs and expenses of seizure and sale."

**Renumber:** subsequent sections

115. Page 172, line 26.

**Strike:** "State treasurer's"

**Insert:** "Department of revenue's"

**Strike:** "county and"

116. Page 172, line 27.

**Strike:** "state treasurer"

**Insert:** "department of revenue"

117. Page 173, line 3 through line 6.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) The department of revenue may retain 2% of the gross annual fees imposed and collected under this part for administrative costs associated with billing and collection of hail insurance premiums."

118. Page 179, line 11.

**Insert:** "Section 231. Section 81-7-104, MCA, is amended to read:

**"81-7-104. (Temporary) Predator control moneys money -- use of proceeds.** (1) The department of livestock shall allocate a portion of the money from the ~~levy fee~~ under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by wild animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, extermination, and control, including systematic hunting and trapping and payment of bounties.

(2) Money ~~shall~~ may be paid out only on claims ~~duly and regularly~~ presented to the department of livestock and approved by the department in accordance with the law applicable either to claims for bounties or for other expenditures ~~necessary and proper~~ for predatory animal control ~~by means and~~ methods other than payment of bounties, as determined by the department. Money designated for predator control ~~shall~~ must be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, extermination, and control of predatory wild animals, as determined by the department and its advisory committee. ~~No claims~~ Claims may ~~not~~ not be approved in excess of ~~moneys money~~ money available for ~~such purposes~~ that purpose, and ~~no warrants may not~~ be registered against the ~~moneys money~~ money.

**81-7-104. (Effective on occurrence of contingency) Predator control money -- use of proceeds.** (1) The department of livestock shall allocate a portion of the money from the ~~levy fee~~ under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by predatory animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, extermination, and control, including systematic hunting and trapping and payment of bounties.

(2) Money ~~must~~ may be paid out only on claims ~~duly and regularly~~ presented to the department of livestock and approved by the department in accordance with the law applicable either to claims for bounties or for other expenditures ~~necessary and proper~~ for predatory animal control by ~~means and~~ methods other than payment of bounties, as determined by the department. Money designated for predator control must be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, extermination, and control of predatory animals, as determined by the department and its advisory committee. Claims may not be approved in excess of money available for ~~those purposes that purpose~~, and warrants may not be registered against the money.""

**Insert: "Section 232.** Section 81-7-113, MCA, is amended to read:

**"81-7-113. Claim for bounty.** (1) A sheriff, undersheriff, and deputy sheriff, to prevent fraud, shall carefully examine each skin presented. If the examination discloses that the scalp and ears with the skin from the entire head of the animal have not been severed, punched, patched, or marked, ~~he the officer~~ shall, in the presence of the person presenting the skin, mark the skin by severing the skin from the head, including the ears, and then redeliver the skin to the person presenting it, ~~and The officer~~ shall require an affidavit from the claimant that the claimant killed the animal. The affidavit ~~shall~~ must be on forms prescribed by the department and contain information the department requires.

(2) The officer shall require affidavits from two ~~resident taxpayers~~ residents residing in the vicinity in which the animal was killed, setting forth that they are ~~resident taxpayers~~ residents paying fees on livestock, giving their post-office addresses, and stating that they are personally acquainted with the person presenting the skin and, to their knowledge, the person did kill the animal from which the skin was taken within 30 days preceding the offering of the skin for a bounty to the sheriff, undersheriff, or deputy sheriff to which it is presented. ~~A taxpayer~~ An individual who makes a false certificate or affidavit under this section in a material portion is guilty of a felony, punishable the same as for the crime of perjury.""

**Insert: "Section 233.** Section 81-7-114, MCA, is amended to read:

**"81-7-114. Certificate and record of sheriff.** (1) Upon receiving the affidavit required pursuant to 81-7-113, the officer shall deliver to the person claiming a bounty a certificate addressed to the county clerk of the officer's county and immediately deliver to the county clerk a duplicate of the certificate, showing the date, number, and kind of skins marked for severing and the name of the person presenting the skins. The certificate must also recite that the filing of the affidavits ~~of taxpayers~~ required by 81-7-113 has been done and the examination of the skins has been made as required. The certificate must be signed by the officer in the officer's official capacity. ~~When a doubt exists as to the kind of skin presented, whether wolf or coyote, the certificate must be issued for the lesser bounty.~~ Each sheriff shall keep a record of all skins marked and severed, showing the date, number, and kinds and the names of the persons presenting the skins. This record is an official record. The sheriff, undersheriff, or deputy sheriff may not perform any duties under 81-7-111 through 81-7-118 and 81-7-120 through 81-7-122 except at the county seat.

(2) The sheriff shall, not later than the 15th of each month, give to the county clerk and recorder a report setting forth the names of the persons presenting skins, with the number of the certificate and the kind and number of the skins presented. The sheriff shall report for each certificate issued during the month.""

**Renumber:** subsequent sections

119. Page 183, line 29.

**Strike:** "grant"

**Insert:** "grants"

120. Page 184, line 4.

**Following:** line 3

**Insert:** "(b) Block grants must be calculated using the electronic reporting system that is used by the office of public

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

instruction and school districts. The electronic reporting system must be used to allocate a portion of the block grant amount into each district's fiscal year 2002 budget as an anticipated revenue source by fund. The same block grant amount must be anticipated by and distributed to schools in fiscal year 2003."

**Renumber:** subsequent subsection

121. Page 184, line 4.

**Strike:** "each school district"

**Insert:** "the office of public instruction"

122. Page 184, line 5.

**Strike:** "estimate"

**Insert:** "calculation"

123. Page 184, line 6.

**Strike:** "a school district"

**Insert:** "the office of public instruction"

124. Page 184, line 7.

**Strike:** "estimating"

**Insert:** "calculating"

125. Page 184, line 8 through line 12.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If the biennial appropriation provided in [section 248(1)] is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003."

126. Page 184, lines 13 and 14.

**Following:** "year," on line 13

**Strike:** remainder of line 13 through "and" on line 14

**Insert:** "70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed"

127. Page 184, line 19.

**Strike:** "reimbursement"

**Insert:** "block grants"

128. Page 184, line 20.

**Following:** "distribute"

**Insert:** "one-half of"

**Following:** "retirement"

**Insert:** "in November and the remainder in May. The total amount for each county is"

129. Page 184, line 24 through page 186, line 20.

**Strike:** line 24 through line 20 in their entirety

**Insert:** "

Beaverhead	\$80,727	\$47,294	\$57,659	\$33,780
------------	----------	----------	----------	----------

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Big Horn	77,447	45,680	46,523	27,441
Blaine	76,621	12,770	53,653	8,942
Broadwater	0	91,649	0	75,672
Carbon	42,553	80,412	34,377	64,963
Carter	8,116	4,539	3,673	2,054
Cascade	323,422	178,686	251,476	138,937
Chouteau	69,171	37,653	45,206	24,607
Custer	70,943	33,196	56,123	26,261
Daniels	0	32,353	0	9,672
Dawson	77,150	34,912	45,667	20,665
Deer Lodge	34,633	14,778	25,465	10,866
Fallon	0	0	0	0
Fergus	123,340	81,665	88,585	58,653
Flathead	522,254	276,994	431,450	228,833
Gallatin	370,480	175,786	301,887	143,240
Garfield	12,412	10,232	7,144	5,889
Glacier	78,361	33,351	53,586	22,806
Golden Valley	0	16,746	0	11,496
Granite	13,646	46,566	11,325	38,648
Hill	141,335	81,653	108,625	62,755
Jefferson	117,517	59,951	71,774	36,615
Judith Basin	5,040	17,507	2,523	8,763
Lake	172,810	139,366	156,930	126,559
Lewis and Clark	327,597	201,564	289,078	177,864
Liberty	15,338	12,782	5,511	4,593
Lincoln	72,625	98,326	47,729	64,619
Madison	0	97,554	0	78,367
McCone	18,252	12,442	5,115	3,487
Meagher	10,399	8,132	6,284	4,914
Mineral	0	28,854	0	15,069
Missoula	445,729	331,926	253,697	188,923
Musselshell	32,355	22,758	26,326	18,517
Park	150,193	79,577	131,858	69,863
Petroleum	0	16,598	0	12,995
Phillips	10,043	90,929	6,147	55,655
Pondera	74,719	56,463	54,524	41,203
Powder River	14,224	11,348	0	0
Powell	71,372	23,211	61,349	19,952
Prairie	0	25,354	0	15,372
Ravalli	80,870	160,889	69,499	138,268
Richland	70,963	25,700	14,180	5,135
Roosevelt	83,692	71,023	63,900	54,227
Rosebud	354,727	282,481	338,145	269,277
Sanders	199,229	124,792	191,238	119,787
Sheridan	0	47,488	0	3,290
Silver Bow	223,241	126,482	169,182	95,854
Stillwater	91,202	75,689	81,464	67,607
Sweet Grass	36,400	35,741	30,129	29,584
Teton	56,345	40,530	36,245	26,072

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Toole	42,930	50,933	22,043	26,152
Treasure	017,010	0	10,395	
Valley	16,798	96,104	10,872	62,203
Wheatland	19,177	11,081	13,169	7,609
Wibaux	0	8,474	0	0
Yellowstone	1,063,326	607,615	760,595	434,626
Totals	\$5,999,723	\$4,453,585	\$4,541,931	\$3,309,596"

130. Page 186, line 22.

**Strike:** "reimbursement"

**Insert:** "block grants"

131. Page 186, line 23.

**Following:** "distribute"

**Insert:** "one-half of"

132. Page 186, line 24.

**Strike:** "reimbursement"

**Insert:** "in November and the remainder in May. The total amount for each county is"

133. Page 186, line 27 through page 187, line 27.

**Strike:** line 27 through line 27 in their entirety

**Insert:** "

Beaverhead	\$35,940	\$35,940
Big Horn	60,303	60,303
Blaine	14,601	14,601
Broadwater	17,464	17,464
Carbon	29,164	29,164
Carter	10,067	10,067
Cascade	95,360	95,360
Chouteau	38,902	38,902
Custer	9,920	9,920
Daniels	26,650	26,650
Dawson	28,907	28,907
Deer Lodge	15,975	15,975
Fallon	34,849	19,656
Fergus	71,699	71,699
Flathead	101,290	101,290
Gallatin	95,017	95,017
Garfield	21,461	21,461
Glacier	44,466	44,466
Golden Valley	4,958	4,958
Granite	9,094	9,094
Hill	58,525	58,525
Jefferson	49,927	49,927
Judith Basin	22,199	22,199
Lake	76,390	76,390

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Lewis and Clark	64,171	64,171
Liberty	18,706	18,706
Lincoln	66,522	66,522
Madison	26,594	26,594
McCone	20,107	20,107
Meagher	6,218	6,218
Mineral	9,429	9,429
Missoula	118,387	118,387
Musselshell	18,052	18,052
Park	35,214	35,214
Petroleum	10,992	10,992
Phillips	40,748	40,748
Pondera	28,698	28,698
Powder River	27,508	25,623
Powell	19,383	19,383
Prairie	11,896	11,896
Ravalli	68,785	68,785
Richland	61,592	61,592
Roosevelt	34,372	34,372
Rosebud	100,172	100,172
Sanders	74,890	74,890
Sheridan	39,176	39,176
Silver Bow	24,545	24,545
Stillwater	30,949	30,949
Sweet Grass	17,244	17,244
Teton	36,387	36,387
Toole	23,620	23,620
Treasure	6,915	6,915
Valley	35,583	35,583
Wheatland	11,186	11,186
Wibaux	9,969	3,110
Yellowstone	192,011	192,011
Totals	\$2,263,149	\$2,239,212"

134. Page 188, line 7.

**Strike:** "\$64,950,619" through "2003"

**Insert:** "\$130,228,584 for the biennium ending June 30, 2003,"

135. Page 188, line 8.

**Strike:** "255"

**Insert:** "243"

136. Page 188, line 9.

**Strike:** "\$10,419,699"

**Insert:** "\$10,453,308"

137. Page 188, line 10.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Strike:** "\$7,798,815"

**Insert:** "\$7,851,527"

138. Page 188, line 11.

**Strike:** "reimbursements"

**Insert:** "block grants"

**Strike:** "256"

**Insert:** "244"

139. Page 188, line 12.

**Strike:** "\$2,265,148"

**Insert:** "\$2,263,149"

140. Page 188, line 13.

**Strike:** "\$2,240,756"

**Insert:** "\$2,239,212"

141. Page 188, line 14.

**Strike:** "reimbursements"

**Insert:** "block grants"

**Strike:** "257"

**Insert:** "245"

142. Page 188, line 15.

**Insert:** "NEW SECTION. Section 249. Inclusion of appropriations in budget. The governor shall include the appropriation in [section 248(1)] in the present law base budget prepared for the 58th legislative session for continued funding of the school district budget items funded by that appropriation."

**Insert:** "NEW SECTION. Section 250. Reservation of funds. The amount of \$7,447,018 must be reserved for countywide retirement and countywide transportation in fiscal year 2004 and the amount of \$4,812,299 must be reserved for countywide retirement and countywide transportation in fiscal year 2005."

**Renumber:** subsequent sections

143. Page 188, line 16.

**Following:** "Repealer."

**Insert:** "(1)"

144. Page 188, line 18.

**Strike:** "15-31-701, 15-31-702,"

145. Page 188, line 19.

**Following:** "20-25-1007,"

**Insert:** "52-1-110, 53-2-302, 53-2-306,"

**Following:** "53-2-322,"

**Insert:** "53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247,"

146. Page 188, line 20.

**Strike:** "77-1-501, 77-1-502, 77-1-503, 77-1-504,"

**Following:** "80-2-223,"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Insert:** "and"

147. Page 188, line 21.

**Strike:** "87-1-603, and 87-1-604,"

148. Page 188, line 22.

**Insert:** "(2) Sections 15-31-701 and 15-31-702 are repealed."

149. Page 188, line 29.

**Strike:** "and (3)"

**Insert:** "through (4)"

150. Page 189, line 1.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

151. Page 189, line 2.

**Strike:** "119"

**Insert:** "96"

152. Page 189, line 3.

**Insert:** "(3) [Sections 120, 125, 127, and 129] are effective July 1, 2003.

(4) [Section 251(2) and this section] are effective on passage and approval."

153. Page 189, line 4.

**Strike:** "118"

**Insert:** "95"

154. Page 189, line 5.

**Strike:** "3 and 255"

**Insert:** "119, 124, 126, 128, and 243"

**Strike:** "257"

**Insert:** "245"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

3/20/2001

**SB 315**, introduced by Franklin

**SB 466**, introduced by Waterman

House amendments to Senate bill concurred in:

3/20/2001

**SB 168**, introduced by Stonington

House bills concurred in and returned to the House:

3/20/2001



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**HB 292**, introduced by Fuchs  
**HB 378**, introduced by Lee  
**HB 386**, introduced by Fuchs

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/20/2001

**HB 266**, introduced by Clancy  
**HB 412**, introduced by Wolery  
**HB 455**, introduced by Lewis  
**HB 472**, introduced by Rome  
**HB 517**, introduced by Mangan  
**HB 578**, introduced by Callahan

House joint resolutions concurred in as amended and returned to the House for concurrence in Senate amendments:

3/20/2001

**HJR 1**, introduced by McCann  
**HJR 32**, introduced by Bixby

**MESSAGES FROM THE GOVERNOR**

March 19, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 21** sponsored by Representative Eggers et al., **House Bill 40** sponsored by Representative Witt, **House Bill 78** sponsored by Representative E. Clark, **House Bill 103** sponsored by Representative Olson et al., **House Bill 108** sponsored by Representative Noennig et al., **House Bill 110** sponsored by Representative Noennig et al., **House Bill 112** sponsored by Representative Brueggeman, **House Bill 130** sponsored by Representative Lawson, **House Bill 138** sponsored by Representative Mangan, **House Bill 272** sponsored by Representative Olson et al., and **House Bill 308** sponsored by Representative Younkin on March 19, 2001.

Sincerely,

JUDY MARTZ  
Governor

March 20, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 71** sponsored by Representative Gallik, **House Bill 104** sponsored by Representative P. Clark, **House Bill 114** sponsored by Representative Story, **House Bill 126** sponsored by Representative Younkin, **House Bill 147** sponsored by Representative Dale, **House Bill 223** sponsored by Representative Schmidt et al., **House Bill 281** sponsored by Representative Lindeen et al., **House Bill 309** sponsored by Representative Younkin et al., and **House Bill 411** sponsored by Representative Harris et al. on March 20, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committees:

**HB 647**, introduced by Gillan, Dell, Forrester, Gallus, Mangan, Schmidt, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 37**, introduced by Pattison, Callahan, Clancy, Gallus, Keane, McCann, Mood, Waitschies, referred to Transportation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 315**, introduced by Franklin, Beck, Bishop, DePratu, Hargrove, Laslovich, Schmidt, B. Thomas, referred to Human Services.

**SB 466**, introduced by Waterman, referred to Human Services.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Devlin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 107** - Representative Newman moved **SB 107** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 146** - Representative Holden moved **SB 146** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 159** - Representative Gutsche moved **SB 159** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 184** - Representative Olson moved **SB 184** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Buzzas, Gallus, Hurdle, Kaufmann.  
Total 4

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**SB 432** - Representative McKenney moved **SB 432** be concurred in.

**SB 432** - Representative R. Brown moved **SB 432**, second reading copy, be amended as follows :

1. Title, line 5.

**Following:** "IMPROVEMENTS"

**Insert:** "EQUIPMENT, AND TECHNOLOGY"

2. Page 2, line 3.

**Following:** "7-15-4288"

**Insert:** ", equipment, and technology"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

3. Page 2, line 14.

**Following:** "improvements"

**Insert:** "or acquire the equipment and technology"

4. Page 2, line 16.

**Following:** "improvement"

**Insert:** "or the acquisition of equipment and technology"

5. Page 2, line 17.

**Following:** "infrastructure"

**Insert:** ", equipment, and technology"

6. Page 2, line 19.

**Following:** "infrastructure"

**Insert:** "and the acquisition of equipment and technology "

7. Page 2, line 21.

**Following:** "Infrastructure"

**Insert:** ", equipment, and technology"

**Strike:** "is"

**Insert:** "are"

8. Page 2, line 22.

**Following:** "state"

**Insert:** ", "

9. Page 2, line 24.

**Following:** "project"

**Insert:** "the use"

10. Page 2, line 25.

**Following:** "infrastructure"

**Insert:** ", equipment, and technology"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Buzzas, P. Clark, Erickson, Gallik, Gillan, Golie, Gutsche, Hurdle, Kaufmann, Lindeen, McCann, Schmidt, Smith.

Total 13

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Excused: Eggers, Fuchs.  
Total 2

Absent or not voting: Dell, Jent.  
Total 2

Representative Sliter moved consideration of **SB 432** be placed at the bottom of the second reading board. Motion carried.

**HB 3** - Representative Fisher moved **HB 3** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Fisher, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Balyeat, Bixby, Branae, Dell, Facey, Forrester, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Ripley, Smith, Somerville, Wanzonried.  
Total 21

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.  
Total 0

Absent or not voting: K. Peterson.  
Total 1

**HB 4** - Representative Witt moved **HB 4** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Adams, Balyeat, Dell, Esp, Harris, Himmelberger, Hurdle, Laible, Laszloffy, Pattison, Vick, Waitschies, Wanzonried.  
Total 13

Voted Absentee: Eggers, Fuchs, Ayes.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Excused: None.  
Total 0

Absent or not voting: Mood.  
Total 1

**HB 9** - Representative Kasten moved **HB 9** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin.  
Total 87

Noes: Adams, Balyeat, Brueggeman, Clancy, Davies, Devlin, Laszloffy, Pattison, Shockley, Vick, Walters, Witt, Mr. Speaker.  
Total 13

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 397** - Representative Jackson moved **HB 397** do pass.

**HB 397** - Representative Jackson moved **HB 397**, second reading copy, be amended as follows :

1. Page 2, line 4.

**Strike:** "AND INCLUDING THE FLATHEAD INDIAN RESERVATION;"

**Insert:** ". At least one representative from this basin must be a representative of the Confederated Salish and Kootenai tribal government."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Total 98

Noes: None.

Total 0

Excused: Eggers, Fuchs.

Total 2

Absent or not voting: None.

Total 0

Motion that **HB 397**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Eggers, Fritz, Galvin-Halcro, Gillan, Golie, Ripley, Rome, Steinbeisser.

Total 8

Voted Absentee: Fuchs, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 447** - Representative Lewis moved **HB 447** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bookout-Reinicke, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Eggers, Esp, Fisher, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Hedges, Holden, Jackson, Jacobson, Jent, Kaufmann, Keane, Lehman, Lenhart, Lewis, Lindeen, Masolo, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Younkin, Mr. Speaker.

Total 58

Noes: Adams, Balyeat, Bitney, Bixby, Branae, D. Brown, R. Brown, Carney, P. Clark, Davies, Dell, Devlin, Erickson, Facey, Forrester, Galvin-Halcro, Gillan, Gutsche, Harris, Himmelberger, Hurdle, Jayne, Juneau, Kasten, Laslovich, Laszloffy, Lawson, Lee, Mangan, Matthews, McCann, Newman, Raser, Schmidt, Schrumpf, Somerville, Story, Vick, Wanzenried, Witt, Wolery.

Total 41



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: Laible.

Total 1

**HB 348** - Representative Shockley moved **HB 348** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 82

Noes: Adams, R. Brown, Eggers, Erickson, Facey, Gallik, Gutsche, Hurdle, Juneau, Mangan, McCann, K. Peterson, Smith, Somerville, Thomas, Waddill, Wanzenried, Mr. Speaker.

Total 18

Voted Absentee: Fuchs, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Devlin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Gallik, Mangan, Wanzenried.

Total 3

Excused: Eggers, Fuchs.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Total 2

Absent or not voting: Hurdle.

Total 1

**MOTIONS**

Representative Sliter requested the House reconsider its action on **SB 398**. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 38, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Fisher, K. Peterson.

Total 2

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 56** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Noes: Buzzas, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jent, Juneau, Kaufmann, Keane, Lee, Newman, Raser, Smith.

Total 18

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 65** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Mangan, Masolo, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 79

Noes: Adams, R. Brown, Cyr, Davies, Dell, Eggers, Erickson, Golie, Gutsche, Himmelberger, Juneau, Laszloffy, Lee, Lewis, Matthews, McCann, Schmidt, Vick, Wanzenried, Mr. Speaker.

Total 20

Voted Absentee: Fuchs, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

**SB 81** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Noes: None.  
Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 259** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 285** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Thomas, Tramelli, Tropila, Wanzenried, Witt, Wolery, Younkin.  
Total 74

Noes: Adams, Balyeat, Branae, R. Brown, Curtiss, Davies, Dell, Eggers, Golie, Jacobson, Jayne, Kasten, Laible, Lewis, Mangan, Mood, Pattison, Smith, Somerville, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Mr.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Speaker.  
Total 26

Voted Absentee: Fuchs, Aye; Eggers, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 334** concurred in as follows:

Ayes: Bitney, Bookout-Reinicke, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Dell, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 63

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, Brueggeman, Clancy, P. Clark, Curtiss, Davies, Devlin, Erickson, Facey, Gallus, Golie, Himmelberger, Jackson, Juneau, Laible, Laszloffy, Lee, Lehman, Lindeen, Masolo, McCann, Pattison, Rice, Ripley, Somerville, Steinbeisser, Story, Tramelli, Vick, Waitschies, Mr. Speaker.  
Total 37

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 11** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: R. Brown.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Total 1

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Facey requested on **HB 9**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Raser requested on **SB 56**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Gillan requested on **SB 285**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Jackson requested on **HB 3**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Holden requested on **SB 56**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Speaker McGee requested on **SB 285**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Hedges, Chairman):

3/21/2001

**HB 628**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

2. Title, page 1, line 12.

**Following:** "17-7-502"

**Insert:** "AND 80-5-123"

3. Page 3, line 10.

**Following:** "members."

**Insert:** "Two of the five appointed members of the mediation council must be Montana production growers."

4. Page 4, line 7.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Following:** "mail"

**Insert:** "or as otherwise provided in state law"

5. Page 4, line 10.

**Strike:** "15"

**Insert:** "21"

6. Page 4, line 13.

**Following:** "mail"

**Insert:** "or as otherwise provided in state law"

7. Page 6, line 16.

**Insert:** "Section 12. Section 80-5-123, MCA, is amended to read:

**"80-5-123. Label requirements for agricultural, vegetable, flower, and indigenous seeds.** (1) Each container of agricultural, vegetable, flower, and indigenous seeds sold in this state for sowing purposes must bear a conspicuous, unaltered label or tag, plainly written or printed in English. Bulk sales must be accompanied by the required label information, which must be given to the seed purchaser. The following information, which may not be modified or denied in the labeling or on another label attached to the container, must be included on a label:

- (a) name and address of the seed labeler;
- (b) lot number identification;
- (c) germination rate and date of germination test or a notation of the year for which the seed was packaged for sale;
- (d) state or country of origin; ~~and~~
- (e) notice calling attention to the requirement for mediation under [section 1]; and
- (f) seed kind or variety. The department shall establish rules specifying the kinds of seed for which variety must be stated and the kinds of seeds for which the variety may be stated and when the words "variety not stated" may be used. Kinds of seeds not listed by department rule may be stated as kind only or as kind and variety.

(2) In addition to the required label information listed in subsection (1), the department shall establish by rule additional label requirements for agricultural seed, including grass, lawn, and turf seed, and for vegetable, flower, and indigenous seeds. The additional label requirements may include:

- (a) percentage of kind or variety of each seed component present in a container;
- (b) percentage of weed seed present, both restricted and common weed seed;
- (c) amount of inert material present;
- (d) warnings for treated seed; and
- (e) requirements for coated seed, inoculated seed, seed that is below standard, seed sold in bulk, hybrid seed, seed mixtures, and seed in containers, mats, tapes, and other planting devices.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 245**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "INDIVIDUALS"

**Insert:** "OR FAMILY FARM CORPORATIONS"

**Following:** "IN"

**Strike:** "THE"

**Insert:** "AN ELIGIBLE"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

2. Title, page 1, line 12.

**Following:** "DATE"

**Insert:** "AND A CONTINGENT TERMINATION PROVISION"

3. Page 1, line 25.

**Strike:** "WHOSE"

4. Page 1, line 26.

**Strike:** "MAJOR" through "WHO"

**Insert:** "or family farm corporation that"

**Following:** "FILES"

**Insert:** "net"

5. Page 1.

**Following:** line 29

**Insert:** "(4) "Family farm corporation" means a corporation that consists of immediate family members.

(5) "Immediate family members" means family members that are within the second degree of consanguinity or affinity."

**Renumber:** subsequent subsections

6. Page 1, line 30.

**Following:** "BEING"

**Strike:** "AND" through "CONSISTS OF"

7. Page 2, line 1.

**Strike:** "IMMEDIATE" through "PRODUCTS"

8. Page 2, line 5.

**Following:** "individual"

**Insert:** "or a family farm corporation"

9. Page 2, line 7.

**Following:** "individual's"

**Insert:** "or family farm corporation's"

10. Page 2, line 8.

**Strike:** "HOUSEHOLD"

**Insert:** "individual or family farm corporation"

11. Page 2, line 10.

**Following:** "taxpayer's"

**Strike:** "taxable"

**Insert:** "net"

12. Page 2, line 11.

**Following:** "business"

**Insert:** "included in federal adjusted gross income"



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

13. Page 2.

**Following:** line 16

**Insert:** "(4) A portion of a deposit distributed within 6 months of the date deposited is income in the year for which an exclusion was taken. The taxpayer shall file a return or amended return as necessary to report the income in the appropriate year."

14. Page 2.

**Following:** line 24

**Insert:** "(3) The trustee shall report to the department if a portion of a deposit is distributed within 6 months of the date of deposit."

**Renumber:** subsequent subsections

15. Page 6, line 4.

**Following:** "[sections 1 through 5]"

**Insert:** "in any tax year for which a deduction is not provided for federal income tax purposes"

16. Page 7.

**Following:** line 18

**Insert:** "NEW SECTION. Section 9. Contingent termination. [This act] terminates on certification by the director of the department of revenue to the governor of the passage and approval of a similar program and deduction at the federal level. The director shall provide a copy of the certification to the secretary of state and the code commissioner."

And, as amended, be concurred in. Report adopted.

**SB 261**, be concurred in. Report adopted.

**APPROPRIATIONS** (Vick, Chairman):

3/21/2001

**HB 6**, introduced bill, be amended as follows:

1. Page 1.

**Following:** "conservation" on line 17

**Insert:** "\$590,741 that is available in the reclamation and development grants state special revenue account and"

2. Page 2, line 9.

**Strike:** "100,000"

**Insert:** "94,300"

3. Page 2, line 23.

**Strike:** "100,000"

**Insert:** "75,000"

4. Page 3, line 5.

**Strike:** "98,352"

**Insert:** "73,764"

5. Page 4, line 9.

**Strike:** "99,014"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Insert:** "74,261"

6. Page 4, line 17.

**Strike:** "100,000"

**Insert:** "75,000"

7. Page 4, following line 20.

**Insert:** "Circle, Town of                      60,000"

**Insert:** "(Well Repair)"

**Insert:** "Stillwater County Commissioners              74,153"

**Insert:** "(Improving Soil Productivity and Water Quality in South Central Montana Through Land Use Changes)"

8. Page 4, following line 22.

**Insert:** "Helena Valley Irrigation District              100,000"

**Insert:** "(Fixed Wheel Gate and Hydraulic Cylinder Repair)"

9. Page 4.

**Strike:** lines 23 through 29 in their entirety

10. Page 4, line 30.

**Strike:** "100,000"

**Insert:** "75,000"

11. Page 5.

**Strike:** lines 2 through 3 in their entirety

12. Page 5.

**Strike:** lines 10 through 13 in their entirety

13. Page 5, line 14.

**Strike:** "99,991"

**Insert:** "74,993"

14. Page 5, line 22.

**Strike:** "67,605"

**Insert:** "50,704"

15. Page 5, line 26.

**Strike:** "88,463"

**Insert:** "27,919"

16. Page 6, line 2.

**Strike:** "100,000"

**Insert:** "75,000"

17. Page 6, following line 8.

**Insert:** "Whitefish, City of              58,650"

**Insert:** "(Whitefish City Beach)"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Insert:** "Lockwood Water and Sewer District 100,000"

**Insert:** "(Wastewater Collection System)"

**Insert:** "Department of Natural Resources and Conservation 75,000"

**Insert:** "(Seepage Monitoring Program, DNRC Dams)"

**Insert:** "Department of Natural Resources and Conservation 75,000"

**Insert:** "(Seepage Monitoring Program, DFWP Dams)"

18. Page 7, following line 17.

**Insert:** "NEW SECTION. Section 5. Review of previously authorized grants. Recipients of renewable resource grants authorized by previous legislatures that have not completed startup conditions must be notified by the department of natural resources and conservation that the legislature, at the next regular session, will review renewable resource grants to determine if the commitment of the renewable resource grant should be withdrawn."

**Renumber:** subsequent sections

19. Page 7, line 23.

**Strike:** "5"

**Insert:** "6"

And, as amended, do pass. Report adopted.

**HB 8**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "is"

**Strike:** "4.5% or the rate at which the state"

2. Page 1.

**Strike:** line 30 in its entirety

**Insert:** "as follows:"

3. Page 2.

**Following:** line 3

**Insert:** "The interest rate will be 4.5% on the first \$250,000, 2.25% on the next increment of the loan up to \$500,000, and 0% on the amount of the loan over \$500,000. The department of natural resources and conservation will then determine an average rate for the full term of the loan, which may be up to 20 years."

4. Page 2, following line 5.

**Insert:** "The interest rate will be 2.25% for up to 20 years."

5. Page 2, following line 7.

**Insert:** "The interest rate will be 4.5% on the first \$250,000, 2.25% on the next increment of the loan up to \$500,000, and 0% on the amount of the loan over \$500,000. The department of natural resources and conservation will then determine an average rate for the full term of the loan, which may be up to 20 years."

6. Page 2, following line 9.

**Insert:** "The interest rate will be 4.5% or the rate at which the state bonds are sold, whichever is lower, for up to 20 years."

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

7. Page 3, line 12.

**Following:** "is"

**Strike:** "4% or the rate at which the state"

8. Page 3, line 13.

**Strike:** "bonds are sold, whichever is lower, for up to 20 years."

**Insert:** "as follows:"

9. Page 3, following line 16.

**Insert:** "The interest rate will be 4.5% on the first \$250,000, 2.25% on the next increment of the loan up to \$500,000, and 0% on the amount of the loan over \$500,000. The department of natural resources and conservation will then determine an average rate for the full term of the loan, which may be up to 20 years."

10. Page 3, line 30.

**Strike:** "\$19,897,448"

**Insert:** "\$18,956,102"

11. Page 4, line 1.

**Strike:** "\$2,161,295"

**Insert:** "\$1,305,526"

12. Page 4, line 2.

**Strike:** "\$1,808,859"

**Insert:** "\$1,723,282"

And, as amended, do pass. Report adopted.

**HB 105**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Following:** "PROVIDING"

**Strike:** "FOR A FUND TRANSFER AND"

2. Title, page 1, line 12.

**Following:** "DATES"

**Insert:** "AND A TERMINATION DATE"

3. Page 2.

**Following:** line 14

**Insert:** "(b) proceeds from bonds received from the board of investments;"

**Renumber:** subsequent subsections

4. Page 2, line 22.

**Following:** "department."

**Insert:** "Administration costs to implement [sections 1 through 7] must be requested in the general appropriations bill."

5. Page 5, line 2 through line 5.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Strike:** section 9 in its entirety  
**Renumber:** subsequent sections

6. Page 5, line 13.

**Strike:** "10"

**Insert:** "9"

7. Page 5, following line 13.

**Insert:** "NEW SECTION. **Section 11. Termination.** [This act} terminates July 1, 2003."

And, as amended, do pass. Report adopted.

**HB 121**, introduced bill, be amended as follows:

1. Title, page 1, line 7 and line 8.

**Strike:** line 7 and line 8 in their entirety

**Insert:** "FOR SCHOOL FISCAL YEAR 2002, INCREASING THE BASIC ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 SCHOOL DISTRICT ELEMENTARY PROGRAM TO \$18,818, THE BASIC ENTITLEMENT FOR A HIGH SCHOOL DISTRICT TO \$209,090, THE TOTAL PER-ANB ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,819, AND THE TOTAL PER-ANB ENTITLEMENT FOR A HIGH SCHOOL DISTRICT OR A K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$5,090; FOR SCHOOL FISCAL YEARS AFTER JULY 1, 2002,"

2. Title, line 10.

**Following:** "\$19,096"

**Strike:** "; INCREASING"

**Insert:** ", "

3. Title, line 11.

**Following:** "\$212,180"

**Strike:** "; INCREASING"

**Insert:** ", "

4. Title, line 12 and line 13.

**Following:** "\$3,876" on line 12

**Strike:** ";" on line 12 through "INCREASING" on line 13

**Insert:** ", AND"

5. Title, page 1, line 14.

**Following:** "\$5,165;"

**Strike:** "PROVIDING AN APPROPRIATION;"

6. Title, line 15.

**Following:** "AND"

**Insert:** "A"

7. Title, line 16.

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Strike:** "DATES"

**Insert:** "DATE"

8. Page 2, line 12.

**Strike:** "\$206,000"

**Insert:** "\$209,090"

9. Page 2, line 13.

**Strike:** "\$18,540"

**Insert:** "\$18,818"

10. Page 2, line 17.

**Strike:** "\$18,540"

**Insert:** "\$18,818"

11. Page 2, line 19.

**Strike:** "\$206,000"

**Insert:** "\$209,090"

12. Page 2, line 24.

**Strike:** "105% of" in both places

13. Page 2, line 30.

**Strike:** "\$5,015"

**Insert:** "\$5,090"

14. Page 3, line 5.

**Strike:** "\$3,763"

**Insert:** "\$3,819"

15. Page 3, line 10.

**Strike:** "\$3,763"

**Insert:** "\$3,819"

16. Page 3, line 13.

**Strike:** "\$5,015"

**Insert:** "\$5,090"

17. Page 4, line 21.

**Strike:** "105% OF" in both places

18. Page 5, line 15 through page 7, line 14.

**Strike:** section 3 and section 4 in their entirety

**Renumber:** subsequent sections

19. Page 7, line 17.

**Strike:** "6"

**Insert:** "4"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

20. Page 7, line 21 through line 23.

**Strike:** line 21 through line 23 in their entirety

21. Page 7, line 25.

**Strike:** "DATES"

**Insert:** "DATE"

**Strike:** "(1)"

22. Page 7, line 26.

**Strike:** line 26 in its entirety

And, as amended, do pass. Report adopted.

**HB 226**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "TRUST"

**Insert:** "IMPACT"

2. Title, line 9.

**Strike:** "TRUST"

**Insert:** "IMPACT FUND"

3. Page 1, line 30 through page 2, line 18.

**Strike:** line 30 through line 18 in their entirety

**Insert:** "(2) At the conclusion of fiscal year 2002, the state treasurer shall distribute 25% of all money received in fiscal year 2002 in excess of \$26,756,000 pursuant to subsection (3). At the conclusion of fiscal year 2003, the state treasurer shall distribute 25% of all money received in fiscal year 2003 in excess of \$20,474,000 pursuant to subsection (3). At the conclusion of fiscal year 2004 and each fiscal year thereafter, the state treasurer shall distribute 25% of all money received in excess of \$20 million pursuant to subsection (3).

(3) On August 15 following the close of the fiscal year, the state treasurer shall distribute one-half of the distributions in subsection (2) to eligible counties and one-half to the economic development impact fund established in [section 2]. The distribution to the eligible counties must be allocated based on the proportion that the total amount of revenue generated by mineral extraction in an eligible county bears to the total amount of money received by the state. A county is eligible for purposes of this section if extraction occurs in that county to which a portion of the money received by the state under subsection (1) is attributable."

4. Page 2, line 21.

**Strike:** "trust"

**Insert:** "impact"

5. Page 2, line 22.

**Strike:** "trust"

**Insert:** "impact"

**Following:** "deposited in the"

**Insert:** "impact"

**Following:** "money in the"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Insert:** "impact"

6. Page 2, line 25.

**Strike:** "trust "

**Insert:** "impact"

**Following:** "fund"

**Insert:** "and to pay the administrative expenses of the extraction board provided for in [section 3]"

7. Page 2, line 26.

**Strike:** "trust"

**Insert:** "impact"

8. Page 3, line 13.

**Strike:** "trust"

**Insert:** "impact"

9. Page 3, line 15.

**Strike:** "trust"

**Insert:** "impact"

And, as amended, do pass. Report adopted.

**HB 318**, introduced bill, be amended as follows:

1. Title, line 6 through line 9.

**Strike:** "ALLOWING" on line 6 through "BY" on line 9

**Insert:** "STATUTORILY APPROPRIATING UP TO \$30,000 FROM THE EMPLOYMENT SECURITY ACCOUNT TO"

2. Title, line 10.

**Following:** "INJURED"

**Insert:** "LAW ENFORCEMENT OFFICERS AND"

3. Title, line 11 through line 13.

**Strike:** "REQUIRING" on line 11 through "ADMINISTRATION;" on line 13

4. Title, line 13 through line 14.

**Strike:** "THE DIVISION OF CRIME CONTROL AND"

5. Title, line 15.

**Strike:** "THE DIVISION OF CRIME CONTROL AND"

6. Title, line 17.

**Strike:** "SECTIONS 17-2-121,"

**Insert:** "SECTION"

**Strike:** "33-2-705, AND 33-2-708,"

7. Page 1, line 22.



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Following:** "officers"

**Insert:** "-- statutory appropriation"

**Following:** "."

**Insert:** "(1) For the purposes of this section, "public safety worker" means a firefighter, paramedic, or emergency medical technician."

**Renumber:** subsequent subsections

8. Page 1, line 23.

**Following:** "7-32-201,"

**Insert:** "or a public safety worker"

9. Page 1, line 24.

**Following:** "officer"

**Insert:** "or public safety worker"

10. Page 1, line 25.

**Following:** "officer's"

**Insert:** "or public safety worker's"

11. Page 1, line 25.

**Strike:** "division"

**Insert:** "department of administration"

12. Page 1, line 25 through line 26.

**Strike:** "from the crime victims compensation and assistance account established in 53-9-109,"

13. Page 1, line 27.

**Following:** "subsection"

**Strike:** "(2)"

**Insert:** "(3)"

14. Page 2, line 2.

**Following:** "exceed"

**Strike:** "\$50,000"

**Insert:** "\$30,000"

15. Page 2, line 4.

**Following:** "officer"

**Insert:** "or public safety worker"

16. Page 2, line 5.

**Following:** "officer" in two places

**Insert:** "or public safety worker"

17. Page 2, line 7.

**Strike:** "division"

**Insert:** "department of administration"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

18. Page 2.

**Following:** line 8

**Insert:** "(6) Up to \$30,000 is statutorily appropriated, as provided in 17-7-502, from the employment security account established in 39-51-409, to the department of administration on an annual basis for the purposes of providing matching funds to an organization if it applies and qualifies under this section. Any unexpended funds remaining in the appropriation at the end of each fiscal year must revert to the general fund.

(7) Matching funds are limited to one for an officer, public safety worker, or family in a lifetime."

19. Page 2, line 10 through page 3, line 14.

**Strike:** section 2 through section 4 in their entirety

**Renumber:** subsequent sections

20. Page 3, line 28.

**Strike:** "[section 3]"

**Insert:** "[section 1]"

21. Page 4, line 18 through page 6, line 23.

**Strike:** sections 6 and 7 in their entirety

**Renumber:** subsequent sections

22. Page 6, line 25 through line 28.

**Strike:** "(1)" on line 25 through "are" on line 28

**Insert:** "[Section 1] is"

23. Page 6, line 29.

**Strike:** "[sections 2 and 3]"

**Insert:** "[section 1]"

And, as amended, do pass. Report adopted.

**HB 526**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "BOARDS;"

**Strike:** "PROVIDING AN APPROPRIATION;"

2. Page 4, line 29.

**Following:** "governor."

**Insert:** "Implementation is contingent on the availability and appropriation of funding."

3. Page 5, line 2 through line 5.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 625**, introduced bill, be amended as follows:

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

1. Title, page 1, line 5.

**Following:** "OF"

**Insert:** "PROGRAMS, SERVICES, AND"

2. Title, page 1, line 5 and line 6.

**Following:** "MONTANA;" on line 5

**Strike:** remainder of line 5 through "APPROPRIATION;" on line 6

3. Page 1, line 11.

**Strike:** "10"

**Insert:** "11"

4. Page 1, line 19.

**Following:** line 18

**Insert:** "(e) a representative of a Montana employer, who is interested in preparing students to enter the workforce,  
appointed by the governor;

(f) a public school finance officer appointed by the superintendent of public instruction;"

**Renumber:** subsequent subsections

5. Page 1, line 20.

**Strike:** "and"

6. Page 1, line 21.

**Following:** "(f)"

**Strike:** "three representatives"

**Insert:** "one representative"

**Following:** "from"

**Insert:** "a"

**Strike:** "associations"

**Insert:** "association"

7. Page 1, line 22.

**Following:** "instruction"

**Strike:** "."

**Insert:** "; and"

8. Page 1, following line 22.

**Insert:** "(i) one representative from a statewide education association appointed by the governor."

9. Page 1, line 29.

**Following:** the third "of"

**Insert:** "programs, services, and"

10. Page 2, following line 8.

**Insert:** "(h) adequacy and equity of services and programs among schools;"

**Renumber:** subsequent subsections

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

11. Page 2, line 30 through page 3, line 2.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/21/2001

**HB 357**, be amended as follows:

3/20/2001

1. Title, line 4 through line 5.

**Strike:** "DEPOSITING" on line 4 through "ACCOUNT OF" on line 5

**Insert:** "PROVIDING APPROPRIATIONS TO"

2. Title, line 6.

**Strike:** "WINNERS" through "FOR"

**Insert:** "BREEDERS OF"

3. Title, line 7.

**Following:** "HORSES"

**Insert:** "THAT HAVE WON A RACE IN MONTANA"

4. Title, line 8.

**Strike:** "PROVIDING FOR A STATUTORY APPROPRIATION;"

**Strike:** "17-7-502,"

**Insert:** "15-35-108 AND"

**Strike:** "AND"

5. Title, line 9.

**Strike:** "23-5-610,"

**Following:** "PROVIDING"

**Strike:** "AN"

**Following:** "EFFECTIVE"

**Strike:** "DATE AND AN APPLICABILITY DATE"

**Insert:** "DATES"

6. Page 1, line 30 through page 2, line 1.

**Strike:** "proceeds" on page 1, line 30 through "tax" on page 2, line 1

**Insert:** "funds appropriated to the Montana growth through agriculture program provided for in Title 90, chapter 9, and money deposited in the general fund from the Montana lottery"

7. Page 2, line 6 through line 8.

**Strike:** "deposited" on line 6 through "money" on line 8

**Insert:** "appropriated to the board as provided for in 15-35-108"

8. Page 2, line 9.

**Following:** "payments to"

**Strike:** "winners of races that are run exclusively for"

**Insert:** "the breeders of"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Following:** "horses"

**Insert:** "that have won a race in Montana"

9. Page 2, line 12 through line 13.

**Following:** "amount" on line 12

**Strike:** "deposited" through "23-5-610(6)(a)(ii)"

**Insert:** "appropriated"

10. Page 2, line 15 through line 16.

**Strike:** "deposited" on line 15 through "23-5-610(6)(a)(ii)" on line 16

**Insert:** "appropriated pursuant to 15-35-108"

11. Page 2, line 21.

**Following:** "won by"

**Strike:** "winners of races that are run exclusively for"

**Following:** "horses"

**Insert:** "that are winners of races in Montana"

12. Page 2, line 25 through page 3, line 25.

**Strike:** section 2 in its entirety

**Insert:** "Section 2. Section 15-35-108, MCA, is amended to read:

**"15-35-108. (Temporary) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) (a) Subject to subsection (7)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, for the biennium ending June 30, 2001, as follows:

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

(i) \$65,000 to the cooperative development center;  
(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9, including any unencumbered amount up to \$386,125 to the board of horseracing for the purposes provided in [section 1];  
(iii) to the department of commerce:  
(A) \$350,000 for business recruitment;  
(B) \$125,000 for a small business development center;  
(C) \$50,000 for a small business innovative research program;  
(D) \$425,000 for certified communities;  
(E) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and  
(F) \$300,000 for export trade enhancement; and  
(iv) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district. (Terminates June 30, 2001--sec. 10(1), Ch. 10, Sp. L. May 2000.)

**15-35-108. (Effective July 1, 2001) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.  
(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.  
(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.  
(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.  
(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) (a) Subject to subsections (7)(b) and (7)(c), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;  
(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9, including \$386,125 to the board of horseracing for the purposes provided for in [section 1];  
(iii) to the department of commerce:

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

- (A) \$350,000 for business recruitment;
- (B) \$125,000 for a small business development center;
- (C) \$50,000 for a small business innovative research program;
- (D) \$425,000 for certified communities;
- (E) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
- (F) \$300,000 for export trade enhancement; and

(iv) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district.

(c) Beginning July 1, 2001, there is transferred annually from the interest income referred to in subsection (7)(b) \$4.85 million to the research and commercialization expendable trust fund created in 90-3-1002. (Terminates June 30, 2005--sec. 10(2), Ch. 10, Sp. L. May 2000.)

**15-35-108. (Effective July 1, 2005) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) Beginning July 1, 1997, and ending June 30, 1999, the amount of 0.87% must be allocated to an account in the state special revenue fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Beginning July 1, 1999, the amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state."

13. Page 4, line 7 through line 8.

**Strike:** "video" on line 7 through "account" on line 8

**Insert:** "appropriation"

**Strike:** "[section 1]" on line 8

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**Insert:** "15-35-108"

14. Page 4, line 10 through page 7, line 30.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

15. Page 8, line 1.

**Insert:** "NEW SECTION. Section 4. Appropriation. (1) There is appropriated \$250,000 from the general fund to the board of horseracing for the biennium beginning July 1, 2001.

(2) The appropriation provided for in subsection (1) must be used for the purposes described in [section 1]."

16. Page 8, line 6.

**Strike:** section 6 in its entirety

**Insert:** "NEW SECTION. Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 4] is effective July 1, 2001."

17. Page 8, line 8 through line 9.

**Strike:** section 7 in its entirety

And, as amended, do pass. Report adopted.

**SB 96**, be concurred in. Report adopted.

**SB 314**, be amended as follows:

3/20/2001

1. Page 2, line 9.

**Following:** "AGENCY"

**Strike:** "in the state"

**Following:** "technician"

**Insert:** "in the state"

2. Page 2, line 15.

**Following:** "euthanasia;"

**Insert:** "(6) adopt rules for the storage and handling of controlled substances by certified agencies and euthanasia technicians and provide for the inspection of certified agencies' storage, handling, and accounting procedures for controlled substances;"

**Renumber:** subsequent subsection

And, as amended, be concurred in. Report adopted.

**SB 373**, be concurred in. Report adopted.

3/20/2001

**SB 438**, be concurred in. Report adopted.

**SB 482**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman):

3/21/2001

**HB 364**, introduced bill, be amended as follows:



HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

1. Page 1, line 12.

**Following:** "state,"

**Insert:** "the presiding officer of the public service commission, a member of the northwest power planning council designated by the governor,"

2. Page 1, line 15.

**Following:** "."

**Insert:** "The member of the northwest power planning council shall serve at the pleasure of the governor."

3. Page 1, line 21.

**Following:** "rulings;"

**Strike:** "and"

4. Page 1, line 22.

**Following:** "rules"

**Strike:** "."

**Insert:** "; and

(d) actions taken by a public utility, as defined in 69-3-101, that has undertaken litigation against the state that undermines the state's duty to protect the health, safety, and welfare of its citizens with respect to reliable and affordable supplies of electrical energy."

5. Page 2, line 7.

**Following:** "appointment of"

**Insert:** "the member of the northwest power planning council and"

And, as amended, do pass. Report adopted.

**HB 627**, introduced bill, be amended as follows:

1. Page 1, line 10.

**Following:** "appropriated"

**Strike:** "\$1 million"

**Insert:** "\$5,000"

2. Page 1, line 12.

**Following:** first "to"

**Strike:** "establish"

**Insert:** "study the feasibility of establishing"

3. Page 1, line 14.

**Following:** "."

**Insert:** "The study results must be presented to the 58th legislature."

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/21/2001

**SB 82**, be amended as follows:

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

1. Page 8, line 1.

**Strike:** "200%"

**Insert:** "150%"

2. Page 11, line 10.

**Strike:** "200%"

**Insert:** "150%"

And, as amended, be concurred in. Report adopted.

**SB 171**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/21/2001

**SB 204**, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "IN A CIVIL PROCEEDING"

2. Page 2, line 13.

**Following:** "paid"

**Insert:** "to a victim"

3. Page 2, line 14.

**Following:** "may"

**Insert:** "be treated as a civil judgment against the offender and may"

**Strike:** "in a civil proceeding"

4. Page 2, line 15.

**Following:** "law"

**Insert:** ", including execution upon a judgment,"

And, as amended, be concurred in. Report adopted.

**SB 328**, be concurred in. Report adopted.

**SB 426**, be amended as follows:

3/20/2001

1. Title, line 6.

**Following:** line 5

**Insert:** "DEFINING 'PRETRIAL SERVICES AGENCY';"

2. Page 1, line 11.

**Following:** "bail"

**Insert:** "-- definition"

3. Page 1, line 20.

**Following:** "a"

**Insert:** "verified"

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

4. Page 1, line 24.

**Following:** "a"

**Insert:** "verified"

5. Page 1, line 27.

**Insert:** "(5) As used in this section, "pretrial services agency" means a government agency or a private entity under contract with a local government whose employees have the minimum training required in 46-23-1003 and that is designated by a district court, justice's court, municipal court, or city court to provide services pending a trial."

And, as amended, be concurred in. Report adopted.

**LEGISLATIVE ADMINISTRATION** (Bookout-Reinicke, Chairman):

3/21/2001

**HB 144**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "PROCEEDINGS;"

**Insert:** "CREATING A STATE GOVERNMENT BROADCASTING ACCOUNT; INCREASING THE LOBBYIST LICENSE FEE AND USING THE FEE INCREASE TO SUPPORT THE BROADCASTING SERVICE; AUTHORIZING A GENERAL FUND LOAN;"

2. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS 5-7-103 AND"

3. Page 2, line 8.

**Strike:** "3"

**Insert:** "4"

4. Page 3.

**Following:** line 26

**Insert:** "NEW SECTION. Section 4. State government broadcasting account. (1) There is a state government broadcasting account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) the portion of the lobbyist license fee provided for in 5-7-103(4)(b);

(b) any gift, donation, grant, legacy, bequest, or devise made for the purposes of [sections 1 through 4];

(c) interest or other income earned on the money in the account.

(3) Money in the account is available to the division by appropriation and must be used for the development, operation, and maintenance of a state government broadcasting service as provided for in [sections 1 through 4]."

**Insert:** "**Section 5.** Section 5-7-103, MCA, is amended to read:

**"5-7-103. Licenses -- fees -- eligibility -- waiver.** (1) Any adult of good moral character who is otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license application form. The application form may be obtained from and must be filed in the office of the commissioner. Upon approval of the application and receipt of the license fee by the commissioner, a license must be issued that entitles the licensee to practice lobbying on behalf of one or more enumerated principals. The license fee is ~~\$50~~ \$150 for each lobbyist. Each license expires on December 31 of each even-numbered year or may be terminated at the request of the lobbyist. A lobbyist who believes that payment of the license fee may constitute a hardship may

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

apply to the commissioner for a waiver of the fee required by this section. The commissioner may waive all or a portion of the license fee upon proof by the lobbyist that payment of the fee constitutes a hardship.

(2) (a) Except as provided in subsection (2)(b), an application may not be disapproved without affording the applicant a hearing. The hearing must be held and the decision entered within 10 days of the date of the filing of the application.

(b) An application may not be approved if a principal has failed to file reports required under 5-7-208.

(3) The fines ~~and license fees~~ collected under this chapter must be deposited in the state treasury.

(4) The commissioner shall deposit the license fee provided for in subsection (1) as follows:

(a) \$50 in the general fund; and

(b) \$100 in the state special revenue account provided for in [section 4].

~~(4)~~(5) The commissioner may adopt rules to implement the waiver provisions of subsection (1).""

**Renumber:** subsequent sections

5. Page 4, line 22.

**Strike:** "3"

**Insert:** "4"

6. Page 5.

**Following:** line 7

**Insert:** "NEW SECTION. Section 7. General fund loan. (1) The department of administration shall authorize a loan of \$60,000 from the general fund to the legislative services division to administer the state government broadcasting service provided for in [sections 1 through 4].

(2) The division shall repay the loan on or before June 30, 2003, from the state government broadcasting account under terms and conditions determined by the department."

**Renumber:** subsequent sections

7. Page 5, line 9.

**Strike:** "general fund"

**Insert:** "state government broadcasting account"

8. Page 5, line 10.

**Strike:** "\$1.3 million"

**Insert:** "\$260,000 for the biennium ending June 30, 2003, to enable the division to seek grants, gifts, donations, and in-kind contributions from private and public sources"

9. Page 5, line 17.

**Strike:** "3"

**Insert:** "4"

10. Page 5, line 19.

**Strike:** "3"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**SB 419**, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

3/20/2001

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**HB 617**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Strike:** "(2)(f)"

**Insert:** "(2)(h)"

2. Page 3, line 5.

**Strike:** "and"

3. Page 3, line 6.

**Following:** "15-30-111(6)"

**Insert:** ";

(g) the additional amount for expenditures for the purchase of recycled material under 15-32-610; and

(h) the deduction for a land sale to a beginning farmer under 80-12-211"

4. Page 3, line 8.

**Strike:** ":",

5. Page 3, line 9 through line 12.

**Strike:** "(a)" on line 9

**Strike:** ":", on line 9 through "80-12-211" on line 12

6. Page 28, line 6.

**Strike:** "5%"

**Insert:** "3%"

7. Page 41, line 4.

**Strike:** "LC0710"

**Insert:** "House Bill No. 617"

8. Page 43, line 7.

**Strike:** "LC0710"

**Insert:** "House Bill No. 617"

9. Page 43, line 12.

**Strike:** "LC0710"

**Insert:** "House Bill No. 617"

10. Page 43.

**Following:** line 19

**Insert:** "(3) If House Bill No. 598 and [this act] are both passed and approved and if House Bill No. 598 repeals 80-12-211, then [sections 1(2)(h) and 33 of this act] are void."

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committees:

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

**HB 648**, introduced by Kaufmann, Gallik, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 38**, introduced by Waddill, Anderson, Bales, Balyeat, Berry, Bishop, Bitney, Bixby, Bohlinger, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Christiaens, Clancy, E. Clark, P. Clark, Cocchiarella, Curtiss, Cyr, Dale, Dell, DePratu, Devlin, Doherty, Ellingson, Ellis, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Glaser, Golie, Grimes, Grosfield, Haines, Halligan, Hargrove, Harrington, Harris, Himmelberger, Jackson, Jacobson, Jayne, Jent, Jergeson, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McGee, McNutt, Nelson, Noennig, O'Neil, Olson, Pattison, Pease, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Roush, Ryan, Schmidt, Schrumpf, Shea, Sliter, Somerville, Sprague, Steinbeisser, Stonington, Tash, Taylor, Tester, B. Thomas, F. Thomas, Toole, Tramelli, Tropila, Wanzenried, Waterman, Wells, Whitaker, Witt, Wolery, Younkin, Zook, referred to State Administration.

**COMMUNICATIONS AND PETITIONS**

**A PROCLAMATION OF THE SENATE AND THE  
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA**

**WHEREAS**, June 25, 2000 through July 26, 2003 is the 50<sup>th</sup> Anniversary of the hostilities in Korea, beginning with the invasion of South Korea by North Korean Communist forces, most commonly known as the Korean War; and

**WHEREAS**, more than 5.6 million Americans served this nation during this conflict; and

**WHEREAS**, 33,686 Americans lost their lives during the Korean War; and

**WHEREAS**, 17,320 Americans lost their lives worldwide in associated Cold War operations during the Korean War; and

**WHEREAS**, more than 19,500 Montanans served their state and nation as members of the United States Armed Forces during this same period; and

**WHEREAS**, more than 5,000 Montanans served in the surrounding areas around the Korean combat zone from 1950-53; and

**WHEREAS**, nearly 200 Montanans lost their lives in Korea during the Korean War; and

**WHEREAS**, 28 Montanans are presently considered to be Prisoners of War or Missing In Action (POW-MIA) as a result of the Korean War; and

**WHEREAS**, thousands of Montanans have served in Korea since the cessation of hostilities on July 26, 1953, and many more will continue to serve in Korea because of America's commitment to world peace; **THEREFORE**

*As representatives of the 57<sup>th</sup> Montana State Legislature, we do hereby proclaim the period of June 25, 2000 through July 26, 2003, as "KOREAN WAR COMMEMORANCE."*

The proclamation was signed by Senate President Beck, Senate Minority Leader Doherty, Speaker of the House

HOUSE JOURNAL  
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

McGee, House Minority Leader Gillan.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Thursday, March 22, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 22, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Holden. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Fuchs, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-sixth, fifty-seventh, and fifty-eighth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/22/2001

Correctly printed: **HB 6, HB 8, HB 13, HB 14, HB 105, HB 121, HB 124, HB 144, HB 226, HB 318, HB 357, HB 364, HB 516, HB 526, HB 617, HB 625, HB 627, HB 628, HB 641, HJR 34, SB 77, SB 82, SB 96, SB 128, SB 171, SB 204, SB 207, SB 226, SB 245, SB 261, SB 309, SB 314, SB 328, SB 368, SB 373, SB 419, SB 426, SB 438, SB 482.**

Correctly engrossed: **HB 3, HB 4, HB 9, HB 348, HB 397, HB 447, SB 107, SB 146, SB 159, SB 184.**

Correctly enrolled: **HB 440.**

Examined by the sponsor and found to be correct: **HB 440.**

**APPROPRIATIONS** (Vick, Chairman): 3/22/2001

**HB 5**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** " ; "

**Insert:** "AMENDING SECTION 4, CHAPTER 469, LAWS OF 1997, AND SECTION 2, CHAPTER 557, LAWS OF 1999;"

2. Page 1.

**Strike:** line 29 in its entirety

3. Page 2, lines 1 through 3.

**Strike:** lines 2 through 3 in their entirety

4. Page 2.

**Following:** line 3

**Insert:** "Construction of Central Reception Unit 1,000,000 Federal Special Revenue" [Other Funding Sources]

5. Page 2, following line 9.

**Insert:** "Construct New Kalispell Armory 3,700,000 Federal Special Revenue" [Other Funding Sources]

6. Page 2, line 19.



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**Strike:** "Auxiliary,"

7. Page 2, following line 19.

**Insert:** "This project will focus on maximizing use of existing buildings on the campuses."

8. Page 2, following line 22.

**Insert:** "Gaines Hall Renovation/Addition Project Design, MSU-Bozeman 2,000,000 Federal, Donations, Grants, Nonstate Funds, Plant Funds" [Other Funding Sources]

**Insert:** "Agricultural Experiment Station, MSU-Bozeman 1,000,000 Federal, Donations, Grants, Nonstate Funds, Plant Funds" [Other Funding Sources]

9. Page 2.

**Strike:** lines 23 and 24 in their entirety

10. Page 2.

**Strike:** lines 27 and 28 in their entirety

11. Page 2.

**Following:** line 30

**Insert:** "All operating and maintenance expenses of the law building is to be paid by the university of Montana-Missoula."

12. Page 3, line 3.

**Strike:** "4,125,000"

**Insert:** "2,000,000"

13. Page 3, following line 4.

**Insert:** "Install PBS Digital Conversion, MSU-Bozeman 3,059,455 Federal, Donations, Grants, Nonstate Funds, Plant Funds" [Other Funding Sources]

**Insert:** "Develop Design to Expand COT, UM-COT, Helena 125,000" [LRBP]

14. Page 3.

**Strike:** line 9 and 10 in their entirety

15. Page 3, line 11.

**Strike:** "223,875"

**Insert:** "165,875"

16. Page 3.

**Following:** line 20

**Insert:** "(2) The Montana state university agricultural experiment station shall use these funds to construct and repair various experiment station buildings at the following locations: \$1,250,000 for Huntley, \$180,000 for Moccasin, \$200,000 for Havre, \$210,000 for Sidney, and \$160,000 for Kalispell. The amount of \$1 million for these projects will be funded from non-LRBP sources, and the amount of \$1 million will be funded from CPF in House Bill No. 14."

**Renumber:** subsequent subsections

17. Page 3, line 27 through page 4, line 1.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**Strike:** lines 27 through page 4, line 1 in their entirety

**Insert:** "(5) The following projects are appropriated from the LRBP funding to the department of administration, in addition to the projects listed in subsection (1), by the decrease in bond debt service paid from the LRBP in House Bill No. 14:"

18. Page 4, line 4.

**Strike:** "\$450,000"

**Insert:** "\$300,000"

Page 4, line 5

**Strike:** "1,000,000"

**Insert:** "90,000"

Page 4, line 7

**Strike:** line 7 in its entirety

Page 4, line 9

**Strike:** "1,100,000"

**Insert:** "550,000"

19. Page 4.

**Following:** line 10

**Insert:** "Develop Design to Expand COT, UM-COT, Helena 240,000" [LRBP]

20. Page 4, lines 11 through line 15.

**Strike:** lines 11 through line 15 in their entirety

21. Page 4, line 17.

**Following:** "appropriations."

**Insert:** "(1)"

22. Page 4.

**Following:** line 23

**Insert:** "(2) When negotiating the purchase of any conservation easement, except a conservation easement that is cost-shared using a funding source that requires a perpetual conservation easement, the department of fish, wildlife, and parks is to include in the negotiation an alternative for a temporary conservation easement. Selection of cost and time for this alternative must be mutually agreed to by the parties to the easement."

23. Page 5, line 13.

**Strike:** "230,000"

**Insert:** "342,950"

24. Page 5, following line 13.

**Insert:** "If Senate Bill No. 238 is not passed and approved, the amount listed in state special revenue for this item is reduced by \$112,950."

25. Page 5.

**Strike:** line 15 in its entirety

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

26. Page 5, line 16.

**Strike:** "1,755,000"

**Insert:** "1,060,000"

27. Page 5, line 18.

**Strike:** "754,650"

**Insert:** "1,039,650"

28. Page 5, following line 18.

**Insert:** "If House Bill No. 132 is not passed and approved, the amount listed in state special revenue for this item is reduced by \$285,000."

29. Page 5, line 21.

**Strike:** line 21 in its entirety

30. Page 5, line 24.

**Strike:** line 24 in its entirety

31. Page 5, line 27.

**Strike:** line 27 in its entirety

**Insert:** "LWCF Grants 2,250,000 Federal Special Revenue"[Other Funding Sources]

32. Page 6, line 12.

**Strike:** "\$2,800,000"

**Insert:** "\$2,300,000"

33. Page 7, line 24.

**Insert:** "**Section 12.** Section 4(3), Chapter 469, Laws of 1997, is amended to read:

**"Section 4. Capital improvements.**

(3) (a) The following money is appropriated to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project   LRBP   Other Funding Sources

Authority Only Projects, Academic Building Fees,

Montana State University           ~~\$19,000,000~~ \$4,500,000 Indirect Cost Recovery,

Federal, Private, Plant Funds

(b) It is the intent of the 55th legislature that 100% of all future operations and maintenance costs for the classroom-laboratory building authorized in the amount of \$19,000,000 at MSU-Bozeman be funded by Montana state university and that none be funded with general fund money."

**Insert:** "**Section 13.** Section 2(1), Chapter 557, Laws of 1999, is amended to read:

**"Section 2. Capital projects appropriations.** (1) Except as provided in subsection (4)(c), the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project   LRBP                   Other Funding Sources

DEPARTMENT OF ADMINISTRATION

Health and Safety Projects, Statewide       \$730,000                   \$ 250,000                   Auxiliary

Hazardous Material Remediation, Statewide 300,000

Roof Replacements or Repairs, Statewide   521,000

Facility Assessments, Statewide           100,000 50,000   State Special Revenue

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

	100,000	Federal Special Revenue
	50,000	Auxiliary
Capital Renovation	1,000,000	Capitol Land Grant Revenue
Renovate Haynes Gallery Area, Historical Society	1,000,000	Donations
DEPARTMENT OF CORRECTIONS		
Expand Women's Prison, MWP	6,475,000	Federal Special Revenue
Missoula Regional Correctional Facility Supplemental	526,497	Federal Special Revenue
Construct Reception Unit, MSP	5,500,000	Federal Special Revenue
170,000 General Fund		
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Bluewater Hatchery Renovations	200,000	State Special Revenue
Construct Fort Peck Fish Hatchery	14,640,000	Federal Special Revenue
DEPARTMENT OF MILITARY AFFAIRS		
Construct New Armory, Kalispell	3,900,000	Federal Special Revenue
Construct New Armory, Bozeman	4,600,000	Federal Special Revenue
MONTANA UNIVERSITY SYSTEM		
Sprinkle Library, UM-Missoula	657,000	
Ventilate and Update Fine Arts Building, UM-Missoula	450,000	
Boiler Upgrade and Ventilation, UM-Tech	530,000	120,000 Auxiliary
Maintain HVAC Systems, MSU-Billings and COT-Billings	500,000	
Replace Steam Distribution Piping, UM-Dillon	800,000	400,000 Auxiliary
Upgrade Boiler Controls, UM-Missoula	125,000	100,000 Auxiliary
Roof Replacements or Repairs, University System	1,591,000	
Maintain Main Hall Exterior, UM-Dillon	225,000	
Renovate Cowan Hall, MSU-Northern	511,000	
<del>Addition to Paxson Gallery, UM-Missoula</del>	<del>2,500,000</del>	<del>Higher Education Funds, Federal, Donations,</del>
<del>Grants, Plant Funds</del>		
Applied Technology Center Feasibility Study, MSU-Northern	50,000	
Construct Nondenominational Chapel, UM-Tech	1,500,000	Donations
Forestry/Journalism Addition, UM-Missoula Funds		10,000,000 Federal, Donations, Grants, Plant
Native American Study Center, UM-Missoula Donations, Grants, Plant Funds		3,500,000 Higher Education Funds, Federal,
Life Sciences Building, UM-Missoula	23,000,000	Federal, State, Donations,
Grants, Plant Funds		
Rural Technology Education Center, UM-Dillon Grants, Plant Funds		350,000 Higher Education Funds, Federal, Donations,
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
Lincoln Unit Office/Quarters and Clearwater Egress	125,000	
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
Sprinkle MMHNCC, Lewistown	300,000	

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Construct Special Care Unit,		
Montana Veterans' Home	1,179,374	State Special Revenue
Improve Eastern Montana Veterans' Home	290,250	State Special Revenue
Improve Montana Veterans' Home	187,530	State Special Revenue
DEPARTMENT OF TRANSPORTATION		
Construct Equipment Storage Buildings		
and Roof Replacement at Helena		
Headquarters, Statewide	2,100,000	Highways State Special Revenue
Construct Core Drilling Building, Helena	1,000,000	Highways State Special Revenue"
<b>Renumber:</b> subsequent sections		

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):  
**SB 48**, be amended as follows:

3/21/2001

1. Title, line 8.

**Following:** "RESIDENTS"

**Insert:** "WHO DO NOT POSSESS A CONNOISSEUR'S LICENSE"

2. Title, line 9.

**Following:** "PUBLIC;"

**Insert:** "ESTABLISHING A CONNOISSEUR'S LICENSE; ALLOWING LIMITED DIRECT SHIPMENT OF BEER AND WINE FROM OUT-OF-STATE BREWERIES AND WINERIES TO CONNOISSEUR'S LICENSE HOLDERS; PROVIDING THAT OUT-OF-STATE BREWERIES AND WINERIES REGISTER WITH THE DEPARTMENT OF REVENUE; LIMITING THE AMOUNT OF BEER OR WINE THAT OUT-OF-STATE BREWERIES AND WINERIES MAY SHIP INTO THE STATE TO CONNOISSEUR'S LICENSE HOLDERS;"

3. Title, line 11.

**Strike:** "AND"

4. Title, line 12.

**Following:** "MCA"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

5. Page 3, line 21.

**Following:** "license"

**Insert:** "or connoisseur's license"

6. Page 3, line 25.

**Following:** "device"

**Insert:** ", except by persons holding a valid connoisseur's license provided for in [section 7]"

7. Page 4, line 13.

**Strike:** the first "a"

**Insert:** "A"

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

8. Page 5.

**Following:** line 5

**Insert:** "(c) possession of beer or wine purchased from an out-of-state brewery or winery if the person possessing the beer or wine holds a connoisseur's license as provided for in [section 7];"

**Renumber:** subsequent subsections

9. Page 6, line 3.

**Strike:** "and"

10. Page 6, line 4.

**Following:** "\$10,000"

**Insert:** "; and

(d) for a fourth or subsequent offense, shall be fined a civil penalty not to exceed \$25,000"

11. Page 6, line 5 through line 6.

**Strike:** subsection (4) in its entirety

12. Page 6.

**Following:** line 6

**Insert:** "NEW SECTION. Section 7. Connoisseur's license -- application -- fee. (1) A person in this state desiring to receive direct shipments of beer or wine from an out-of-state brewery or winery for the person's own consumption and not for resale shall file with the department an application for a connoisseur's license. The application must be accompanied by a registration fee in the amount of \$50.

(2) Each application for a license must be on a form prescribed by the department and must set forth the name of the applicant, the applicant's home or business address, proof that the applicant is at least 21 years of age, and other information that the department may require.

(3) A connoisseur's license expires on June 30 of each calendar year. A licensee may annually renew a license with the department by paying a \$25 renewal fee.

(4) The holder of a connoisseur's license may not sell beer or wine to the public.

(5) The department shall adopt rules to provide procedures for the application for and the provision of a connoisseur's license."

**Insert:** "NEW SECTION. Section 8. Payment of taxes -- authority of department. (1) A person holding a connoisseur's license shall pay, on June 30 and December 31, the beer and wine taxes imposed by Title 16, chapter 1, part 4, on beer or wine that is received by direct shipment from an out-of-state brewery or winery during the previous 6-month period.

(2) Each holder of a connoisseur's license shall file with the department a return, on a form provided by the department, and pay the tax for shipments received."

**Insert:** "NEW SECTION. Section 9. Direct shipment of beer or wine -- limitations. (1) The holder of a connoisseur's license may receive up to 288 bottles or 24 cases of wine or 576 bottles or 24 cases of beer from an out-of-state brewery or winery during a 12-month period for personal use and not for resale.

(2) A licensee under this section shall forward to the out-of-state brewery or winery a distinctive address label, provided by the department, clearly identifying any package that is shipped as a legal direct-shipment package to the holder of a connoisseur's license.

(3) A licensee shall report to the department, on June 30 and December 31, the total amount of beer or wine received from an out-of-state brewery or winery and pay all applicable excise taxes, as provided for in Title 16, chapter 1, part 4, imposed on the receipt of beer or wine during the previous 6 months."

**Insert:** "NEW SECTION. Section 10. Out-of-state brewery or winery registration -- limitation on shipping -- penalty. (1) Each out-of-state brewery or winery desiring to ship beer or wine to a person holding a connoisseur's

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

license shall register with the department on forms provided by the department.

(2) The annual limit on out-of-state shipments to all connoisseur's license holders is:

(a) 1,440 bottles or 60 cases of beer for breweries; and

(b) 720 bottles or 60 cases of wine for wineries.

(3) For any shipment into the state that exceeds the limits provided for in subsection (2), the out-of-state brewery or winery shall distribute the brewery's or winery's product through a licensed wholesale distributor.

(4) An out-of-state brewery or winery that violates the provisions of this section is subject to the penalties provided for in 16-6-302."

**Insert:** "NEW SECTION. Section 11. Penalty for noncompliance. (1) Except as provided in [section 10], a person who violates the provisions of [sections 7 through 11] commits a civil offense.

(2) A person convicted under subsection (1):

(a) for a first offense, must be mailed a certified letter by the department ordering that person to cease and desist committing the violation;

(b) for a second offense, shall be fined a civil penalty not to exceed \$500; and

(c) for a third or subsequent offense, shall be fined a civil penalty not to exceed \$2,500."

**Insert:** "NEW SECTION. Section 12. Codification instruction. [Sections 7 through 11] are intended to be codified as an integral part of Title 16, chapter 4, and the provisions of Title 16, chapter 4, apply to [sections 7 through 11]."

**Insert:** "NEW SECTION. Section 13. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 7 through 11] are effective October 1, 2001."

And, as amended, be concurred in. Report adopted.

**SB 441**, be amended as follows:

1. Title, line 5.

**Following:** "FOR"

**Strike:** "AN" on line 5 through "PLAN" on line 7

**Insert:** "A STUDY OF THE FUNDING MECHANISM"

2. Title, line 8.

**Following:** "PLAN"

**Strike:** remainder of line 8 through "DATES" on line 9

3. Page 1, line 10.

**Insert:** "WHEREAS, the Montana Comprehensive Health Association (MCHA) was created by the Montana Legislature to provide access to quality health insurance coverage for all uninsurable Montanans and for individuals who leave group health coverage; and

WHEREAS, the MCHA is supported by an assessment on private health insurance carriers and by premiums paid by MCHA participants; and

WHEREAS, stop-loss or excess of loss carriers, the state employee health benefit plan, and the university employee health benefit plan are not assessed as private insurance carriers are for the purpose of funding the MCHA; and

WHEREAS, the MCHA must insure all eligible Montana citizens, regardless of whether the previous health carrier contributed to MCHA; and

WHEREAS, the MCHA program enrollment is increasingly significant and the financial stability is at risk; and

WHEREAS, the MCHA requests this legislation to serve as a vehicle to bring parties together to conduct an

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

interim study coordinated by the State Auditor as Insurance Commissioner and the MCHA to discuss long-term funding mechanisms to sustain the MCHA."

4. Page 1, line 13.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Study of funding mechanism. (1) The insurance commissioner, in conjunction with the Montana comprehensive health association board of directors, shall study the current funding mechanism of the association that provides for assessment on the participating membership of the association. The purpose of the study is to evaluate:

(a) the current assessment funding mechanism;  
(b) the participating membership that is assessed and provides the base of funding for the association;  
(c) alternative funding mechanisms, which may include a change in the assessment, a change in the participating membership, or other alternatives; and  
(d) provider reimbursement rates.

(2) The commissioner shall include participation from the following entities in the study, including but not limited to:

- (a) stop-loss or excess of loss carriers;
- (b) the state employee health benefit plan;
- (c) the university employee health benefit plan;
- (d) the association board of directors;
- (e) local government employee benefit plans;
- (f) school district employee benefit plans;
- (g) consumer advocates;
- (h) persons enrolled in an association plan; and
- (i) members of the medical community.

(3) The commissioner, in conjunction with the association, shall bring a proposal to the 58th legislature to provide for appropriate funding of the association and recommendations regarding alternative assessments or funding mechanisms."

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/22/2001

**SB 181**, be concurred in. Report adopted.

**SB 290**, be concurred in. Report adopted.

**SB 324**, be concurred in. Report adopted.

**SB 361**, be concurred in. Report adopted.

**SB 459**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/22/2001

**HB 637**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PROGRAMS;"

**Insert:** "CREATING A FUND IN THE STATE SPECIAL REVENUE ACCOUNT; AUTHORIZING THE BOARD OF CRIME CONTROL TO MAKE GRANTS FROM THE FUND;"

2. Page 2.

**Following:** line 22



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**Insert:** "NEW SECTION. **Section 3. Restorative justice fund created -- source of funding -- use of fund.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the restorative justice fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money from a federal, state, or local agency for the purposes of [section 2]; and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of [section 2].

(3) The fund may be used only to provide grants to communities for restorative justice programs as provided in [section 2]."

**Renumber:** subsequent sections

3. Page 2, line 29.

**Following:** "appropriated"

**Insert:** "up to"

**Following:** the first "the"

**Strike:** "general fund"

**Insert:** "state special revenue account established in [section 3]"

4. Page 3, line 2.

**Strike:** "and 2"

**Insert:** "through 3"

5. Page 3, line 4.

**Strike:** "and 2"

**Insert:** "through 3"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/22/2001

**HB 626**, introduced bill, be amended as follows:

1. Page 6, line 15.

**Strike:** "forth"

**Insert:** "Forth"

2. Page 6, line 17.

**Following:** "specified"

**Insert:** "and referenced"

3. Page 35, line 29.

**Strike:** "non-voting"

**Insert:** "voting"

4. Page 49, line 30.

**Following:** "To"

**Insert:** "satisfy the Tribal Water Right, including to"

5. Page 50, line 2.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**Following:** "release"

**Insert:** "or bypass"

6. Page 63, line 7.

**Following:** "."

**Insert:** "The absence of capitalization of defined terms in [sections 2 through 8] does not affect the meaning or application of a defined term."

And, as amended, do pass. Report adopted.

**SB 354**, be concurred in. Report adopted.

**SB 408**, be concurred in. Report adopted.

**SB 479**, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

3/21/2001

**HB 642**, do pass. Report adopted.

**SB 46**, be concurred in. Report adopted.

**SB 317**, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

3/22/2001

**SB 358**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in:

3/21/2001

**SB 10**, introduced by Stonington

**SB 90**, introduced by Ekegren

**SB 260**, introduced by Mahlum

**SB 421**, introduced by F. Thomas

House bill concurred in and returned to the House:

3/21/2001

**HB 440**, introduced by Jacobson

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/21/2001

**HB 87**, introduced by Masolo

**HB 473**, introduced by Younkin

**MESSAGES FROM THE GOVERNOR**

March 21, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 18** sponsored by Representative Somerville, **House Bill 44** sponsored by Representative Haines, **House Bill 132** sponsored by Representative Brueggeman, **House Bill 152** sponsored by Representative Gallik, **House Bill 204** sponsored by Representative Bitney, **House Bill 221** sponsored by Representative Witt et al., and **House Bill 417** sponsored by Representative Price on March 21, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 649**, introduced by Newman, Doherty, referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 604** - Representative Hurdle moved **HB 604** do pass.

**HB 604** - Representative Hurdle moved **HB 604**, second reading copy, be amended as follows :

1. Page 16, line 24.

**Following:** "Appropriation."

**Insert:** "(1)"

2. Page 16.

**Following:** line 25

**Insert:** "(2) There is appropriated to the department of public health and human services' addictive and mental disorders division general fund money of \$270,000 in fiscal year 2002 and \$810,000 in fiscal year 2003. The department shall use this appropriation for treatment services for nonviolent offenders.

(3) There is appropriated to the department of public health and human services' addictive and mental disorders division general fund money of \$30,000 in fiscal year 2002 and \$90,000 in fiscal year 2003. The department shall use this appropriation for administration and treatment services for nonviolent offenders. The department shall hire or contract with an expert in the treatment of gambling addictions for the oversight of this function.

(4) There is appropriated to the department of corrections' community corrections division general fund money of \$300,000 in fiscal year 2002 and \$900,000 in fiscal year 2003. The department shall use this appropriation for

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

supervision of nonviolent offenders.

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 59

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 604** do pass failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 59

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 13** - Representative Lewis moved **HB 13** do pass.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**HB 13** - Representative Lewis moved **HB 13**, second reading copy, be amended.

Representative Lewis moved to withdraw his amendment to **HB 13**. Motion carried.

Representative Sliter moved consideration of **HB 13** be placed below **HB 105** on the second reading board. Motion carried.

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Beck and yielded the Chair to him.

Senator Doherty moved that the body resolve itself into a joint session for the purpose of receiving the Thomas Jefferson presentation by Clay Jenkinson. Motion carried.

Senator Doherty moved that President Beck be authorized to appoint a committee of four to notify Thomas Jefferson that the House was in joint session and ready to receive the presentation. Motion carried.

President Beck appointed Senators Bishop and Christiaens and Representatives Adams and Erickson and discharged them to escort Thomas Jefferson to the House Chamber.

Sergeant-at-Arms Cramer escorted Thomas Jefferson and the committee into the House Chamber.

After being introduced by President Beck, the third president of the United States and the man responsible for the Lewis & Clark Corp of Discovery, Thomas Jefferson gave his presentation.

President Beck thanked Mr. Jefferson for his presentation and asked the committee to approach the rostrum and escort him from the joint session.

The committee escorted Thomas Jefferson from the House Chambers.

Senator Doherty moved that the joint session for the 57<sup>th</sup> legislature be adjourned. Motion carried.

Mr. Speaker in the chair. All members present, except Representative Fuchs, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**HB 14** - Representative McCann moved **HB 14** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Eggers, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Noes: Adams, Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Somerville, Tramelli, Tropila, Waitschies, Wanzenried.

Total 44

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 38** - Representative Schmidt moved **HB 38** do pass.

**HB 38** - Representative Sliter moved consideration of **HB 38** be placed below **HB 625** on the second reading board. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Haines, Hedges, Himmelberger, Holden, Jayne, Jent, Juneau, Laible, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, McKenney, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Steinbeisser, Story, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Kasten, Kaufmann, Keane, Laslovich, Lee, Lenhart, Matthews, McCann, Newman, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried, Witt.

Total 36

Excused: Fuchs.

Total 1

Absent or not voting: R. Brown, Laszloffy, Mood, Shockley, Somerville, Vick.

Total 6

**HB 105** - Representative Haines moved **HB 105** do pass. Motion carried as follows:

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Ayes: Adams, Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 83

Noes: Balyeat, Bitney, D. Brown, R. Brown, Davies, Forrester, Himmelberger, Kasten, Laszloffy, McCann, Mood, Pattison, Vick, Witt, Mr. Speaker.

Total 15

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: Harris, Newman.

Total 2

**HB 13** - Representative Lewis moved **HB 13** do pass.

**HB 13** - Representative Lewis moved **HB 13**, second reading copy, be amended as follows :

1. Page 19, line 15.

**Strike:** "145,571 388,359"

**Insert:** "51,259 288,189"

2. Page 19, line 18.

**Strike:** "93,728 253,634"

**Insert:** "33,004 188,214"

3. Page 19, line 22.

**Strike:** "4,302,871 11,606,426"

**Insert:** "1,229,336 6,499,817"

4. Page 19, line 24.

**Strike:** "41,836 107,216"

**Insert:** "14,732 79,562"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 44

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

**HB 13** - Representative Laslovich moved **HB 13**, second reading copy, be further amended as follows :

1. Page 19, line 20.

**Strike:** "3,491,176 3,051,506 8,759,051 7,655,963"

**Insert:** "5,103,292 1,439,390 12,803,711 3,611,303"

**HB 13** - Representative Younkin moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Fisher, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 51

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Walters, Wanzenried.

Total 43

Excused: Fuchs.

Total 1

Absent or not voting: Gallus, Himmelberger, Lindeen, K. Peterson, Sliter.

Total 5

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 40



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 57

Excused: Fuchs.

Total 1

Absent or not voting: Bookout-Reinicke, Smith.

Total 2

Motion that **HB 13**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Balyeat, D. Brown, R. Brown, Davies, Eggers, Esp, Haines, Harris, Hurdle, Jayne, Kasten, McCann, Musgrove, Pattison, Story, Vick, Witt.

Total 17

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Noes: Bixby, Carney, Cyr, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jayne, Jent, Keane, Mangan, Musgrove, Newman, Schmidt, Smith, Wanzenried.

Total 17

Excused: Fuchs.

Total 1

Absent or not voting: Fritz.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 3** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Balyeat, Bixby, Branae, Davies, Dell, Eggers, Facey, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Laible, Laslovich, Lawson, Lee, McCann, Ripley, Smith, Somerville, Vick, Wanzenried.

Total 23

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 4** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Noes: Adams, Balyeat, Dell, Eggers, Himmelberger, Hurdle, Laible, Laszloffy, Vick, Waitschies, Wanzenried.  
Total 11

Voted Absentee: Fuchs, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 9** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 88

Noes: Adams, Balyeat, Davies, Devlin, Eggers, Laszloffy, Pattison, Shockley, Vick, Walters, Mr. Speaker.  
Total 11

Voted Absentee: Fuchs, Aye.

Excused: None.  
Total 0

Absent or not voting: Fritz.  
Total 1

**HB 348** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 84

Noes: Adams, Bixby, R. Brown, Erickson, Esp, Gallik, Gutsche, Hurdle, Juneau, Kaufmann, McCann, K. Peterson, Somerville, Thomas, Waddill, Mr. Speaker.  
Total 16

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 447** failed as follows:

Ayes: Bales, Barrett, Bookout-Reinicke, Brueggeman, Buzzas, Clancy, E. Clark, Cyr, Dale, Fisher, Fritz, Fuchs, Gallik, Haines, Hedges, Holden, Jackson, Jacobson, Jent, Kaufmann, Keane, Lehman, Lenhart, Lewis, Lindeen, Masolo, McKenney, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Younkin, Mr. Speaker.  
Total 50

Noes: Adams, Andersen, Balyeat, Bitney, Bixby, Branae, D. Brown, R. Brown, Callahan, Carney, P. Clark, Curtiss, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jayne, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Mangan, Matthews, McCann, Mood, Newman, Raser, Schmidt, Schrumpf, Smith, Story, Waddill, Wanzenried, Witt, Wolery.  
Total 50

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 107** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Voted Absentee: Fuchs, Aye.

Excused: None.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Total 0

Absent or not voting: Witt.

Total 1

**SB 146** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 159, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Fuchs.

Total 1

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

Absent or not voting: None.  
Total 0

**SB 184, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 95

Noes: Balyeat, Fuchs, Vick, Mr. Speaker.  
Total 4

Voted Absentee: Fuchs, No.

Excused: None.  
Total 0

Absent or not voting: Pattison.  
Total 1

**SB 306, as amended by the House**, concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.  
Total 73

Noes: Adams, Bales, Balyeat, R. Brown, Clancy, Curtiss, Davies, Devlin, Esp, Hedges, Himmelberger, Kasten, Laible, Laszloffy, McCann, Pattison, K. Peterson, Shockley, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Mr. Speaker.  
Total 25

Voted Absentee: Fuchs, Aye.

Excused: None.  
Total 0

Absent or not voting: Hurdle, Kaufmann.  
Total 2

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

3/22/2001

**HB 643**, be amended as follows:

1. Page 3, line 25.

**Following:** "or"

**Insert:** "electricity produced from an electric energy generation facility as defined in 90-5-101(3) constructed after [the effective date of section 4] that is"

And, as amended, do pass. Report adopted.

**SB 356**, be concurred in. Report adopted.

**SB 360**, be concurred in. Report adopted.

**SB 369**, be amended as follows:

1. Title, line 6.

**Following:** "RELATED"

**Strike:** "OR" through "RELATIONSHIP"

2. Page 1, line 16.

**Following:** "degree;"

**Insert:** "or"

3. Page 1, line 17 through line 18.

**Following:** "degree" on line 17

**Strike:** ";" on line 17 through "project" on line 18

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/22/2001

**SB 132**, be amended as follows:

1. Title, page 1, line 12.

**Strike:** "PROVIDING"

2. Title, page 1, line 13.

**Strike:** "AN AFFIRMATIVE DEFENSE TO"

**Insert:** "PROHIBITING"

3. Title, page 1, line 14.

**Following:** "SURRENDERED"

**Insert:** "WITHOUT INTENTIONALLY INFLICTED INJURY"

4. Title, page 1, line 16.

**Strike:** "30"

**Insert:** "60"

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

5. Title, page 1, line 17.

**Strike:** ", 40-4-212,"

6. Page 4, line 1.

**Strike:** "30"

**Insert:** "60"

7. Page 4, line 10.

**Strike:** "30"

**Insert:** "60"

8. Page 6, line 23.

**Strike:** "30"

**Insert:** "60"

9. Page 7, line 24.

**Strike:** "may"

**Insert:** "must"

**Following:** "line"

**Insert:** ", which must be a component of the department's existing child abuse toll-free telephone line"

10. Page 8, line 18.

**Following:** "pamphlet."

**Insert:** "The pamphlet must be distributed and the safe delivery program publicized in a manner designed to reach females of childbearing age, including delivery of the pamphlet to high schools for use in health courses."

11. Page 8, line 26 through line 27.

**Strike:** "for actual" on line 26 through "defense to" on line 27

**Insert:** "when there is intentional infliction of injury to the abandoned infant,"

**Following:** "prosecution" on line 27

**Insert:** "may not be initiated"

12. Page 8, line 28.

**Strike:** "the infant"

13. Page 10, line 26 through page 12, line 17.

**Strike:** section 16 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 229**, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** ", BASED" on line 6 through "EMPLOYMENT OF" on line 7

**Insert:** "AND TO ALSO EMPLOY OR OFFER TO EMPLOY"

2. Page 2, line 12 through line 13.



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**Strike:** ", based" through "employment of"

**Insert:** "and to also employ or offer to employ"

And, as amended, be concurred in. Report adopted.

**SB 384**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "STRAYING"

**Insert:** "ENTERING"

2. Page 1, line 26.

**Strike:** "straying"

**Insert:** "entering"

3. Page 2, line 6 through line 7.

**Strike:** "commits" on line 6 through "fined" on line 7

**Insert:** "is subject to a civil penalty in"

**Strike:** "\$100" on line 7

**Insert:** "\$50"

And, as amended, be concurred in. Report adopted.

**SJR 17**, be amended as follows:

1. Page 1, line 15 through line 17.

**Strike:** "," on line 15 through "problems" on line 17

2. Page 1, line 21 through line 22.

**Strike:** "to be" on line 21 through "problems" on line 22

And, as amended, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

3/22/2001

**HB 534**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "INCOME LIMITS"

**Insert:** "A MAXIMUM ALLOWABLE CREDIT; PHASING OUT THE CREDIT BASED ON INCOME;  
DEDICATING THE INTEREST AND INCOME FROM \$10 MILLION OF THE TOBACCO  
SETTLEMENT TRUST FUND TO OFFSET PART OF THE COST OF THE CREDIT"

2. Title, page 1, line 7.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

**Strike:** "AND" through "DATE"

3. Page 1.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**Following:** line 10

**Insert:** "NEW SECTION. Section 1. Legislative findings and declaration of purpose. The legislature declares that for the purposes of Article XII, section 4, of the Montana constitution, the credit allowed under [section 2] is a state program that provides a benefit, service, or coverage that is related to the health care needs of the people of Montana."

**Renumber:** subsequent sections

4. Page 1, line 17.

**Following:** "year."

**Insert:** "The amount of the tax credit allowable under subsection (1) may not exceed \$200."

5. Page 1, line 20 through line 23.

**Strike:** subsection (4) in its entirety

**Insert:** "(4) The dollar amount of credit allowable under this section is:

(a) for a taxpayer filing singly or head of household, reduced by \$1 for every \$5 of gross household income over \$22,500; or

(b) for married taxpayers filing separately or married filing jointly, reduced by \$1 for every \$5 of gross household income over \$36,000."

6. Page 1.

**Following:** line 28

**Insert:** "(7) For the purposes of this section:

(a) "gross household income" has the same meaning as defined in 15-30-171; and

(b) "income" has the same meaning as defined in 15-30-171."

**Insert:** "NEW SECTION. Section 3. Tobacco trust -- interest allocation. Each year, the interest and income from \$10 million of the Montana tobacco settlement trust fund provided for in Article XII, section 4, of the Montana constitution must be deposited in an account in the state special revenue fund to the credit of the department of revenue to reimburse the general fund to offset the cost of the credit provided for in [section 1]."

**Renumber:** subsequent sections

7. Page 1, line 30.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 and 2] are"

8. Page 2, line 2.

**Strike:** "section"

**Insert:** "sections"

**Following:** "1"

**Insert:** "and 2"

**Following:** line 2

**Insert:** "(2) [Section 3] is intended to be codified as an integral part of Title 17, chapter 6, and the provisions of Title 17, chapter 6, apply to [section 3]."

9. Page 2.

**Following:** line 2

**Insert:** "NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 129 and [this act] are both passed and approved, then [section 3] of Senate Bill No. 129 must read as follows:

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**"NEW SECTION. Section 3. Montana tobacco settlement trust fund -- state special revenue fund account.** (1) Subject to the provisions of [section 3 of House Bill No. 534], nine-tenths of the interest and income derived from the trust fund on or after January 1, 2001, must be deposited in an account in the state special revenue fund and is subject to appropriation in accordance with subsection (3). One-tenth of the interest and income derived from the trust fund must remain in the trust fund.

(2) In addition to the money required to be deposited in the trust fund as principal, the legislature may deposit additional money in the trust fund as principal.

(3) The legislature shall appropriate money from the state special revenue fund account provided for in subsection (1) for programs for tobacco disease prevention and for state programs that provide benefits, services, or coverage of health care needs.

(4) The money appropriated under this section may not be used to replace state or federal money used to fund programs for tobacco disease prevention or state programs in existence on December 31, 1999, that provide benefits, services, or coverage of health care needs.""

**Renumber:** subsequent section

10. Page 2, line 4.

**Strike:** "on passage and approval"

**Insert:** "January 1, 2003"

11. Page 2, line 6 through line 7.

**Strike:** section 4 in its entirety

And, as amended, do pass. Report adopted.

**HB 591**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Strike:** the first "THE"

**Insert:** "CERTAIN"

**Strike:** "THROUGHOUT"

**Insert:** "OF"

2. Title, page 1, line 15 and line 16.

**Strike:** "ELIMINATING" on line 15 through "FACILITIES;" on line 16

3. Page 10, line 10.

**Strike:** "0.25%"

**Insert:** "1%"

**Strike:** "\$20"

**Insert:** "\$5"

4. Page 10, line 11.

**Strike:** "0.125%"

**Insert:** "0.8% "

**Strike:** "\$20"

**Insert:** "\$5"

**Strike:** "\$100"

**Insert:** "\$10"

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

5. Page 10.

**Following:** line 11

**Insert:** "(iv) 0.5% of any estimated cost over \$10 million and up to \$20 million; plus  
(v) 0.25% of any estimated cost over \$20 million and up to \$100 million; plus  
(vi) 0.125% of any estimated cost over \$100 million and up to \$500 million; plus  
(vii) 0.05% of any estimated cost over \$500 million and up to \$1 billion; plus"

6. Page 10, line 12 and line 13.

**Strike:** line 12 through line 13

**Renumber:** subsequent subsection

7. Page 10, line 15.

**Strike:** "amount of"

8. Page 12, line 4.

**Strike:** "6 months"

**Insert:** "1 year"

9. Page 12, line 12.

**Strike:** "6 months"

**Insert:** "1 year"

10. Page 16.

**Following:** line 9

**Insert:** "(a) the basis of the need for the facility;"

**Renumber:** subsequent subsections

11. Page 16, line 23.

**Following:** ";

**Insert:** ", "

**Strike:** "and"

**Following:** "necessity"

**Insert:** ", and necessity"

12. Page 16, line 28.

**Following:** ";

**Insert:** ", "

**Strike:** "and"

**Following:** "necessity"

**Insert:** "and necessity"

13. Page 16, line 29.

**Strike:** "(1)(e)"

**Insert:** "(1)(f)"

14. Page 16, line 30.

**Strike:** "subsection"

**Insert:** "subsections (1)(a) and"

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

15. Page 17, line 24.

**Strike:** "75-20-301"

**Insert:** "this section"

And, as amended, do pass. Report adopted.

**HB 619**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "STRUCTURES;"

**Insert:** "ALLOWING CREDIT CARRYOVERS;"

2. Title, page 1, line 8.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 1, line 17.

**Following:** "to"

**Insert:** "20% of"

4. Page 1, line 23.

**Strike:** "21"

**Insert:** "29"

5. Page 1, line 29.

**Following:** "15-30-103"

**Insert:** "an amount equal to 20% of"

6. Page 2, line 1 through line 2.

**Strike:** "1" on line 1 through "years" on line 2

7. Page 2, line 5 through line 6.

**Strike:** "A" on line 5 through "15-30-103"

**Insert:** "The credit allowed by subsection (2) may not be refunded if the taxpayer has a tax liability less than the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by subsection (2) for the tax year exceed the taxpayer's tax liability for the current tax year, the excess attributable to the current tax year's credit is a credit carryover to the 6 succeeding tax years. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first"

8. Page 2.

**Following:** line 13

**Insert:** "NEW SECTION. Section 3. Termination. [This act] terminates December 31, 2011."

And, as amended, do pass. Report adopted.

**SB 264**, be amended as follows:

1. Page 4, line 23.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 22, 2001

**Strike:** "ONE"

**Insert:** "any"

2. Page 5, line 1.

**Following:** "53-24-206(3)(B)"

**Insert:** "of"

**Strike:** "AT PREVIOUS BIENNIUM LEVELS"

**Insert:** "\$1 million a year"

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Representative Lee requested on **HB 348**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Musgrove requested on **SB 146**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Witt requested on **HB 348**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:00 a.m., Friday, March 23, 2001. Motion carried.

House adjourned at 2:56 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 23, 2001

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Story. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Fuchs and Hurdle, excused. Quorum present.

Mr. Speaker introduced an honorary page for this week:

John Michael Meuli, Dayton

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/23/2001  
Correctly printed: **HB 5, HB 534, HB 591, HB 619, HB 626, HB 637, HB 642, HB 643, SB 46, SB 48, SB 132, SB 181, SB 229, SB 264, SB 290, SB 317, SB 324, SB 354, SB 356, SB 358, SB 360, SB 361, SB 369, SB 384, SB 408, SB 441, SB 459, SB 479, SJR 17.**  
Correctly engrossed: **HB 13, HB 14, HB 105.**

**AGRICULTURE** (Hedges, Chairman): 3/23/2001  
**SB 196**, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "LABELING"

**Insert:** "PLACARDING"

2. Title, page 1, line 6.

**Following:** "MONTANA"

**Insert:** "BY AN ENTITY OTHER THAN A FOOD SERVICE ESTABLISHMENT"

3. Title, page 1, line 6 through line 8.

**Strike:** "PROVIDING" on line 6 through "LABELS;" on line 8

4. Title, page 1, line 8.

**Strike:** the second "AND"

5. Title, page 1, line 9.

**Strike:** "LABELING"

**Insert:** "PLACARDING"

**Following:** "ACT"

**Insert:** "; AND A DELAYED EFFECTIVE DATE"

6. Page 1, line 13.

**Strike:** "5"

**Insert:** "4"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

7. Page 1, line 14.

**Strike:** "Labeling"

**Insert:** "Placarding"

8. Page 1, line 16.

**Strike:** "5"

**Insert:** "4"

9. Page 1.

**Following:** line 18

**Insert:** "(2) "Food service establishment" has the meaning provided in 50-31-103."

**Renumber:** subsequent subsections

10. Page 1, line 27.

**Following:** "when"

**Strike:** "labeling"

**Insert:** "placarding"

11. Page 1, line 28.

**Following:** "~~fresh fruit, fresh vegetables,~~"

**Insert:** "fresh fruit, fresh vegetables,"

12. Page 1, line 30.

**Following:** "~~fruit, fresh vegetables,~~"

**Insert:** "fresh fruit, fresh vegetables,"

13. Page 2, line 3.

**Following:** "~~Fresh fruit, fresh vegetables, grains~~"

**Strike:** "GRAINS"

**Insert:** "Fresh fruit, fresh vegetables"

14. Page 2, line 5.

**Following:** "Montana"

**Insert:** ", by an entity other than a food service establishment,"

**Following:** "be"

**Strike:** "labeled"

**Insert:** "displayed for sale"

15. Page 2, line 9.

**Following:** "vendor"

**Insert:** ", other than a food service establishment,"

16. Page 2, line 10.

**Following:** "be"

**Strike:** "labeled as"

**Insert:** "displayed for sale with a placard stating"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

17. Page 2, line 14 through line 30.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

18. Page 3, line 3.

**Strike:** "5"

**Insert:** "4"

19. Page 3, line 6.

**Strike:** "5"

**Insert:** "4"

20. Page 3, line 7.

**Following:** "labeling"

**Insert:** "or placarding"

**Strike:** "5"

**Insert:** "4"

21. Page 3, line 8.

**Strike:** "5"

**Insert:** "4"

22. Page 3, line 9.

**Strike:** "5"

**Insert:** "4"

23. Page 3.

**Following:** line 10

**Insert:** "(3) The rules must be adopted by the department by January 1, 2003, but may not be implemented prior to July 1, 2003."

24. Page 3, line 12.

**Strike:** "5"

**Insert:** "4"

25. Page 3, line 14.

**Strike:** "5"

**Insert:** "4"

26. Page 3.

**Following:** line 19

**Insert:** "NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2003."

And, as amended, be concurred in. Report adopted.

**SB 197**, be amended as follows:

1. Page 1, line 13.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

**Following:** "Purpose."

**Insert:** "(1)"

2. Page 1, line 14.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

3. Page 1, line 17.

**Strike:** "regardless of land ownership"

4. Page 1.

**Following:** line 20

**Insert:** "(2) The state recognizes its limited jurisdiction within the Indian reservations in Montana and acknowledges and respects the government-to-government relationship between Montana and the tribes within its borders. It is the legislature's intent that this bill be implemented within current jurisdictional limitations. The tribes are invited to enter into state-tribal cooperative agreements with Montana to provide for broader implementation."

5. Page 1, line 25.

**Following:** "owner"

**Insert:** ", for the purposes of resale"

6. Page 2.

**Following:** line 4

**Insert:** "(4) "Other jurisdictional entity" means the federal government or a tribal government."

**Renumber:** subsequent subsections

7. Page 3, line 16.

**Following:** "by a"

**Strike:** "federal or state"

8. Page 3, line 17.

**Following:** "or"

**Strike:** "a tribal office"

**Insert:** "any other jurisdictional entity"

9. Page 3, line 19.

**Following:** "landowner"

**Insert:** "or other jurisdictional entity"

10. Page 3, line 20.

**Following:** "landowner"

**Insert:** "or other jurisdictional entity"

11. Page 3, line 22.

**Following:** "landowner"

**Insert:** "or other jurisdictional entity"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

12. Page 3, line 30.

**Following:** "common name"

**Strike:** "and"

**Insert:** "or"

13. Page 5.

**Following:** line 6

**Insert:** "NEW SECTION. Section 8. State-tribal cooperative agreements. The state and tribal governments may enter into cooperative agreements as provided in Title 18, chapter 11."

**Renumber:** subsequent sections

14. Page 5.

**Following:** line 16

**Insert:** "NEW SECTION. Section 12. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

And, as amended, be concurred in. Report adopted.

**APPROPRIATIONS** (Vick, Chairman):

3/23/2001

**HB 577**, introduced bill, be amended as follows:

1. Title, line 11 and line 12.

**Following:** "DIVISION;" on line 11

**Strike:** "CREATING" on line 11 through "REGISTRATIONS" on line 12

**Insert:** "INCREASING THE LIEN FILING FEE TO \$8"

2. Title, line 15.

**Following:** "17-5-1608"

**Strike:** "AND"

**Insert:** ", "

**Following:** "17-5-2001,"

**Insert:** "AND 61-3-103,"

3. Title, line 16.

**Following:** "DATES"

**Insert:** "AND A TERMINATION DATE"

4. Page 1, line 24.

**Following:** "\$75"

**Strike:** "\$95"

**Insert:** "\$80"

5. Page 2, line 9.

**Following:** "exceed"

**Strike:** "\$20"

**Insert:** "\$4.5"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

6. Page 2, line 12.

**Following:** "(b)"

**Strike:** "The" through "for"

**Insert:** "For"

7. Page 2, line 13 and line 14.

**Following:** "system,"

**Strike:** "the" on line 13 through "[section 4]" on line 14

**Insert:** "loans are payable from the department of justice's annual appropriation from the general fund"

8. Page 2, line 15 and line 16.

**Following:** "financed." on line 15

**Strike:** "The" on line 15 through "legislature," on line 16

**Insert:** "At the time that the loan is made, the department of justice's base budget appropriation from the general fund"

9. Page 2, line 22 and line 23.

**Following:** "The" on line 22

**Strike:** "department" on line 22 through "units," on line 23

**Insert:** "loan is payable from"

**Strike:** "department's"

**Insert:** "department of justice's annual"

10. Page 2, lines 25 and 26.

**Following:** "financed."

**Strike:** "The" through "department's"

**Insert:** "At the time that the loan is made, the department of justice's base budget"

11. Page 2, line 28.

**Insert:** "(d) The loan is subject to the risk of nonappropriation."

12. Page 2, line 29 through page 3, line 9.

**Strike:** section 3 in its entirety

**Insert:** "**Section 3.** Section 61-3-103, MCA, is amended to read:

**"61-3-103. (Temporary) Filing of security interests -- perfection -- rights -- procedure -- fees.** (1) Except as provided in 61-3-109, the department may not file any voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, and the amount of the lien and is signed by the debtor. The department shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the vehicle encumbered. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer in the county in which the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess the motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this title must be perfected in accordance with Title 30, chapter 9.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected under this section, the department shall endorse on the face of the certificate of ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(4) Satisfactions or statements of release filed with the department under this chapter must be retained by it for a period of 8 years after receipt, after which they may be destroyed.

(5) Except as provided in 61-3-109 and subsection (6) of this section, a voluntary security interest or lien is perfected on the date that the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(6) Except as provided in 61-3-109, voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date that the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date that the lien notice is delivered to the department, of the existence of the security interest.

(7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department the sum of \$1 for each day that the person fails to file the satisfaction.

(9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor, mortgagees, or assignees of the owner, conditional sale vendor, or mortgagees a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

(10) It is not necessary to refile with the department any instruments on file in the offices of the county clerk and recorders at the time that this law takes effect.

(11) A fee of ~~\$4~~ \$8 must be paid to the department to file any security interest or other lien against a motor vehicle. The ~~\$4~~ \$8 fee includes the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department and of deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department or for filing an assignment of any security interest or other lien on file with the department. All fees provided for in this section must be paid to the county treasurer. Of this total fee, \$4 must be deposited for deposit in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state treasurer for deposit in the motor vehicle information technology system account provided for in [section 4]. (Terminates June 30, 2008--sec. 2, Ch. 260, L. 1999.)

**61-3-103. (Effective July 1, 2008) Filing of security interests -- perfection -- rights -- procedure -- fees.**

(1) The department may not file any voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and is signed by the debtor. The department shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the vehicle encumbered. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess the motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this title must be perfected in accordance with Title 30, chapter 9.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected under this section, the department shall endorse on the face of the certificate of ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(4) Satisfactions or statements of release filed with the department under this chapter must be retained by it for a period of 8 years after receipt, after which they may be destroyed.

(5) Except as provided in subsection (6), a voluntary security interest or lien is perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(6) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest.

(7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department the sum of \$1 for each day that the person fails to file such satisfaction.

(9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor, mortgagees, or assignees of any owner, conditional sale vendor, or mortgagees a notice showing the name and address of the lien claimant, amount of the lien, date of execution of lien, and in the case of attachment the full title of the court and the action and the name of the attorneys for the plaintiff and attaching creditor.

(10) It is not necessary to refile with the department any instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(11) A fee of ~~\$4~~ **\$8** must be paid to the department to file any security interest or other lien against a motor vehicle. The ~~\$4~~ **\$8** fee must include and cover the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department or for filing an assignment of any security interest or other lien on file with the department. All fees provided for in this section must be paid to the county treasurer. Of this total fee, \$4 must be deposited for deposit in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state treasurer for deposit in the motor vehicle information technology system account provided for in [section 4]."

13. Page 4, following line 21.

**Insert:** "NEW SECTION. Section 9. Termination. [This act] terminates June 30, 2011."

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman):

3/22/2001

**HJR 35**, introduced joint resolution, be amended as follows:

1. Page 1, line 12.

**Strike:** "necessary"

**Insert:** "advantageous"

**Strike:** "to find"

**Insert:** "seeking"

And, as amended, be adopted. Report adopted.

**SB 182**, be amended as follows:

1. Title, line 5.

**Strike:** "OR"

**Following:** "SUPERINTENDENTS"

**Insert:** ", OR OTHER PROFESSIONAL PERSONS LICENSED UNDER TITLE 37"

2. Page 1, line 16.

**Strike:** "or"

**Insert:** ", "

3. Page 1, line 17.

**Following:** "20-4-401"

**Insert:** ", or the hiring of or contracting with any other professional person licensed under Title 37"

4. Page 2, line 8.

**Following:** "20-4-201"

**Insert:** ", "

5. Page 2, line 9.

**Strike:** "or"

**Following:** "20-4-401"

**Insert:** ", or a professional person licensed under Title 37"

And, as amended, be concurred in. Report adopted.

**SJR 10**, be amended as follows:

1. Title, line 6.

**Strike:** "DEVELOP"

**Insert:** "STUDY"

2. Page 1, line 27.

**Strike:** "develop"

**Insert:** "encourage the study of"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

And, as amended, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):  
**SB 262**, be amended as follows:

3/23/2001

1. Page 4, line 25.

**Insert:** "~~NEW SECTION.~~ **Section 5. Coordination instruction.** If House Bill No. 282 and [this act] are both passed and approved, then [this act] is void."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):  
**SB 170**, introduced bill, be amended as follows:

3/23/2001

1. Page 8, line 2.

**Following:** "~~working~~"

**Insert:** "working"

2. Page 9, line 14.

**Following:** "~~order.~~"

**Insert:** "If the department is a party to the original proceeding, a representative of the department who has complete authority to settle the issue or issues in the original proceeding must be present at any alternative dispute resolution proceeding."

3. Page 10, line 29.

**Following:** "~~relief~~"

**Insert:** ", which do not constitute a court-ordered treatment plan under 41-3-420"

4. Page 19, line 20.

**Following:** "~~5~~"

**Insert:** "working"

5. Page 23, line 8.

**Following:** "least 3"

**Insert:** "working"

6. Page 23, line 19.

**Following:** "least 3"

**Insert:** "working"

7. Page 24, line 11.

**Following:** "~~custody~~"

**Insert:** "a"

**Strike:** "~~alternative~~"

**Strike:** "~~placement~~ of"

**Insert:** "living arrangement for"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

8. Page 25, line 7.

**Strike:** "alternative"

**Strike:** "placement"

**Insert:** "living arrangement"

9. Page 29.

**Following:** line 30

**Insert:** "(3) If Senate Bill No. 116 and [this act] are both passed and approved, then the amendments in Senate Bill No. 116 to 41-3-403(6), 41-3-406(7), and 41-3-413 are void."

And, as amended, be concurred in. Report adopted.

**SB 283**, introduced bill, be amended as follows:

1. Page 8, line 9.

**Strike:** "any"

**Insert:** "electronic and paper"

2. Page 8, line 30.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 9, line 3.

**Following:** "children."

**Insert:** "The board shall consider the set of policies, practices, and activities that form the structure and process for analyzing information about case plans, interventions, and desired results, such as safety, permanency, and improved functioning of the child and family, in order to make findings and recommendations about the success of foster care practices and the level of achievement of results. In evaluating the accessibility, availability, and appropriateness of services, the board shall consider:

(i) dangers to the child and any family problems precipitating those dangers;

(ii) whether an involved agency has selected services specifically relevant to the problems and needs of the child and family;

(iii) whether caseworkers have diligently provided services;

(iv) whether appropriate services have been available to the child and family on a timely basis; and

(v) the results of intervention.

(b)"

And, as amended, be concurred in. Report adopted.

**SB 386**, introduced bill, be amended as follows:

1. Page 3, line 22.

**Strike:** "14 through 23"

**Insert:** "13 through 22"

And, as amended, be concurred in. Report adopted.

**SJR 2**, introduced joint resolution, be amended as follows:

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

1. Title, page 1, line 6.

**Strike:** "DIRECTING"

**Insert:** "REQUESTING"

2. Page 2, line 14 through line 15.

**Strike:** "be directed"

**Insert:** "is requested"

3. Page 2, line 23.

Page 3, line 1.

Page 3, line 7.

Page 3, line 10.

Page 3, line 18.

Page 3, line 22.

Page 3, line 26.

**Following:** "that"

**Insert:** "it is requested that"

4. Page 2, line 27.

**Strike:** "must"

**Insert:** "should"

5. Page 2, line 29.

**Strike:** "must"

**Insert:** "should"

6. Page 3, line 15.

**Following:** "community"

**Insert:** "should"

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/23/2001

**SB 288**, be amended as follows:

1. Page 1, line 22.

**Strike:** "SHALL"

**Insert:** "may"

And, as amended, be concurred in. Report adopted.

**SB 476**, be amended as follows:

1. Page 2, line 21.

**Strike:** "2002"

**Insert:** "2003"

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

**LOCAL GOVERNMENT** (Noennig, Chairman):  
**SB 359**, be amended as follows:

3/23/2001

1. Page 1, line 22.

**Following:** "."

**Strike:** "The"

**Insert:** "Unless the agreement provides otherwise, the"

And, as amended, be concurred in. Report adopted.

**SB 427**, be amended as follows:

1. Page 1, line 27 through line 29.

**Following:** "(5)"

**Strike:** remainder of line 27 through "section." on line 29

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):  
**SB 51**, be amended as follows:

3/23/2001

1. Page 1, line 14.

**Following:** "INVESTMENTS;"

**Insert:** "CREATING A STATE DEBT;"

2. Page 3, line 27.

**Strike:** "shall"

**Insert:** "may"

3. Page 3, line 29.

**Following:** "."

**Insert:** "An election among employees on whether to form an association may also be initiated by the employer."

4. Page 4, line 2.

**Following:** "question"

**Insert:** "and any employees subsequently hired into the positions covered under the terms and conditions of the election"

5. Page 4, line 16.

**Following:** "period"

**Insert:** "as provided for in this section"

**Strike:** "However"

**Insert:** "(2) (a) Except as provided in subsection (2)(b)"

6. Page 4, line 16.

**Following:** "may"

**Insert:** "annually"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

7. Page 4, line 17 through line 18.

**Strike:** "according" on line 17 through "." on line 18

**Insert:** "by the contracting employer.

(b) When the member's employment is terminated, the member's entire unused sick leave balance must be automatically converted to an employer contribution to the member's account pursuant to this section and may not be paid as a lump sum under 2-18-618(6).

(3)"

8. Page 4, line 19.

**Strike:** "subsection"

**Insert:** "section"

9. Page 4, line 22.

**Strike:** "subsection"

**Insert:** "section"

10. Page 4, line 24.

**Strike:** "(2)"

**Insert:** "(4)"

11. Page 4, line 26.

**Strike:** "subsection (1)"

**Insert:** "this section"

12. Page 11.

**Following:** line 23

**Insert:** "NEW SECTION. Section 18. Two-thirds vote required. Because [section 14] authorizes the creation of a state debt, Article VIII, section 8, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

**Renumber:** subsequent subsections.

And, as amended, be concurred in. Report adopted.

**SB 123**, be amended as follows:

1. Page 1, line 18.

**Strike:** "EVEN-NUMBERED"

**Insert:** "odd-numbered"

And, as amended, be concurred in. Report adopted.

**SB 185**, be amended as follows:

1. Title, page 1, line 8 through line 9.

**Strike:** the second "CLARIFYING" on line 8 through "EMPLOYERS;" on line 9

2. Page 5, line 6.

**Strike:** "the entrances"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

**Insert:** "any entrance"

**Strike:** "polling place or"

**Following:** "building"

**Insert:** "in which the polling place is located"

3. Page 5, line 17.

**Strike:** "-- definitions"

4. Page 6, line 1.

**Strike:** line 1 in its entirety

**Renumber:** subsequent subsections

5. Page 6, line 4.

**Strike:** "An" through " z"

6. Page 6, line 5.

**Strike:** "public officer or"

7. Page 6, line 13 through line 22.

**Strike:** line 13 through line 22 in their entirety

8. Page 10, line 1.

**Strike:** "The"

**Insert:** "After a complaint is filed with the commissioner pursuant to 13-37-111, the"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

3/23/2001

**SB 263**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 4.

**Following:** line 5

**Insert:** "NEW SECTION. Section 3. Termination. [This act] terminates July 1, 2007."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

March 22, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 74** sponsored by Representative E. Clark, **House Bill 174** sponsored by Representative Jent, **House Bill 175** sponsored by Representative Jent, **House Bill 238** sponsored by Representative Thomas, **House Bill 268** sponsored by Representative Ripley, **House Bill 286** sponsored by Representative Thomas, **House Bill 358** sponsored by Representative Bales, and **House Bill 458** sponsored by Representative Barrett on March 22, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 39**, introduced by Shockley, referred to Judiciary.

Majority Leader Sliter moved that the House recess until 11:30 a.m. Motion carried.

House recessed at 11:08 a.m.

House reconvened at 11:30 a.m. All members present, except Representatives Fuchs and Hurdle, excused. Quorum present.

**MOTIONS**

Representative Somerville moved that **HB 536** be taken from the table in the Committee on Appropriations and rereferred to second reading today. Motion failed as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Jackson, Jacobson, Jayne, Jent, Kaufmann, Lee, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Ripley, Rome, Schmidt, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Golie, Hedges, Himmelberger, Holden, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Schruppf, Shockley, Steinbeisser, Story, Vick, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 51

Excused: Fuchs, Hurdle.

Total 2

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Absent or not voting: Fisher, Harris, Whitaker.  
Total 3

Representative Somerville moved that **HB 16** be taken from the Committee on Appropriations and rereferred to second reading today.

Representative Davies moved for cloture. Motion carried.

Motion that **HB 16** be rereferred to second reading failed as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gillan, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, A. Peterson, Raser, Rice, Rome, Schmidt, Sliter, Smith, Somerville, Thomas, Tropila, Waddill, Wanzenried, Younkin.  
Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Ripley, Schruppf, Shockley, Steinbeisser, Story, Tramelli, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 52

Excused: Fuchs, Hurdle.  
Total 2

Absent or not voting: Fisher.  
Total 1

Representative Mangan moved that **HB 62** be taken from the Committee on Appropriations and rereferred to second reading today.

Representative Esp moved for cloture. Motion carried.

Motion that **HB 62** be rereferred to second reading failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Noennig, A. Peterson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, E. Clark, Curtiss, Dale, Davies, Devlin, Haines, Hedges, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 46

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Excused: Fuchs, Hurdle.  
Total 2

Absent or not voting: Fisher, Himmelberger, Newman.  
Total 3

Representative Gillan moved that **HB 638** be taken from the table in the Committee on Appropriations and rereferred to second reading today.

Representative Kasten moved for cloture. Motion carried.

Motion that **HB 638** be rereferred to second reading failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Schmidt, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzenried.  
Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 48

Excused: Fuchs, Hurdle.  
Total 2

Absent or not voting: Fisher.  
Total 1

Representative Bixby moved that **HB 288** be taken from the table in the Committee on Appropriations and rereferred to second reading today.

Representative Kasten moved for cloture. Motion carried.

Motion that **HB 288** be rereferred to second reading failed as follows:

Ayes: Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Somerville, Tramelli, Tropila, Waddill.  
Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr.



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Speaker.  
Total 50

Excused: Fuchs, Hurdle.  
Total 2

Absent or not voting: Devlin, Fisher, Thomas, Wanzenried.  
Total 4

Representative Juneau moved that **HB 416** be taken from the Committee on Appropriations and rereferred to second reading today.

Representative Kasten moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Davies, Esp, Facey, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Wolery, Mr. Speaker.  
Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Dale, Dell, Eggers, Erickson, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Whitaker, Witt, Younkin.  
Total 36

Excused: Fuchs, Hurdle.  
Total 2

Absent or not voting: Bitney, Cyr, Devlin, Gillan, Schrumpf, Somerville, Thomas.  
Total 7

Motion that **HB 416** be rereferred to second reading failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, A. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 52

Excused: Fuchs, Hurdle.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Total 2

Absent or not voting: Cyr, Devlin, Thomas.

Total 3

Representative Lewis moved to reconsider action on **HB 447**. Motion carried as follows:

Ayes: Bales, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Fisher, Fuchs, Gallik, Gallus, Haines, Hedges, Holden, Jackson, Jacobson, Jent, Kaufmann, Laible, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Tropila, Vick, Waddill, Waitschies, Whitaker, Mr. Speaker.

Total 55

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Himmelberger, Jayne, Juneau, Kasten, Keane, Laslovich, Lawson, Lee, Mangan, Newman, Raser, Schmidt, Smith, Story, Tramelli, Walters, Wanzenried, Witt, Wolery, Younkin.

Total 42

Voted Absentee: Fuchs, Aye.

Excused: Hurdle.

Total 1

Absent or not voting: Gillan, Thomas.

Total 2

Representative Erickson moved that **HB 58** be taken from the table in the Committee on Taxation and rereferred to second reading on the 69 Legislative Day.

Representative Kasten moved for cloture. Motion failed..

Motion that **HB 58** be rereferred to second reading failed as follows:

Ayes: Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Schmidt, Schrumpf, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, McKenney, Mood, Price, Rice, Ripley, Rome, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 46

Excused: Fuchs, Hurdle.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Total 2

Absent or not voting: Bixby, Mangan, Thomas.

Total 3

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 124** - Representative Sliter moved consideration of **HB 124** be placed below **HB 226** on the second reading board. Motion carried.

**HB 226** - Representative Sliter moved consideration of **HB 226** be placed at the top of the second reading board. Motion carried.

**HB 226** - Representative Bales moved **HB 226** do pass.

**HB 226** - Representative Fisher moved **HB 226**, second reading copy, be amended as follows :

1. Page 2, line 21.

**Following:** "2002"

**Strike:** "IN EXCESS OF"

**Insert:** "that is between"

**Following:** "\$26,756,000"

**Insert:** "and \$30,000,000"

2. Page 2, line 22 and line 23.

**Following:** "2003" on line 22

**Strike:** "IN EXCESS OF"

**Insert:** "that is between"

**Following:** "\$20,474,000"

**Insert:** "and \$30,000,000"

Amendment **not** adopted as follows:

Ayes: Branae, Buzzas, Dell, Fisher, Haines, Jayne, Musgrove, Rome, Sliter, Thomas, Whitaker.

Total 11

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Excused: Fuchs, Hurdle.  
Total 2

Absent or not voting: Mangan, Somerville.  
Total 2

Representative P. Clark moved that **HB 226** be postponed in order to revise fiscal note. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Laslovich, Lee, Lindeen, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 31

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Forrester, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Excused: Fuchs, Hurdle.  
Total 2

Absent or not voting: Bookout-Reinicke, Gallus, Gillan, Laszloffy, Mangan, Somerville.  
Total 6

Motion that **HB 226** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Forrester, Fuchs, Gallik, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 77

Noes: Branae, Buzzas, P. Clark, Cyr, Dell, Eggers, Facey, Fisher, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Jent, Lee, Newman, Raser, Tramelli, Whitaker.  
Total 20

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Total 0

Absent or not voting: Gallus, Mangan, Somerville.

Total 3

**HB 121** - Representative Mood moved **HB 121** do pass.

**HB 121** - Representative Juneau moved **HB 121**, second reading copy, be amended as follows :

1. Title, line 10.

**Strike:** "\$18,818"

**Insert:** "\$19,260"

2. Title, line 11.

**Strike:** "\$209,090"

**Insert:** "\$214,000"

3. Title, line 12.

**Strike:** "\$3,819"

**Insert:** "\$3,909"

4. Title, line 13.

**Strike:** "\$5,090"

**Insert:** "\$5,210"

5. Title, line 15.

**Strike:** "\$19,096"

**Insert:** "\$20,608"

6. Title, line 16.

**Strike:** "\$212,180"

**Insert:** "\$228,980"

7. Title, line 18.

**Strike:** "\$3,876"

**Insert:** "\$4,182"

8. Title, line 19.

**Strike:** "\$5,165"

**Insert:** "\$5,575"

9. Page 2, lines 17 and 24.

**Strike:** "\$209,090"

**Insert:** "\$214,000"

10. Page 2, lines 18 and 22.

**Strike:** "\$18,818"

**Insert:** "\$19,260"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

11. Page 3, line 6.

Page 3, line 19.

**Strike:** "\$5,090"

**Insert:** "\$5,210"

12. Page 3, lines 10 and 16.

**Strike:** "\$3,819"

**Insert:** "\$3,909"

13. Page 4, lines 15 and 22.

**Strike:** "\$212,180"

**Insert:** "\$228,980"

14. Page 4, lines 16 and 20.

**Strike:** "\$19,096"

**Insert:** "\$20,608"

15. Page 5, line 4.

Page 5, line 17.

**Strike:** "\$5,165"

**Insert:** "\$5,575"

16. Page 5, lines 8 and 14.

**Strike:** "\$3,876"

**Insert:** "\$4,182"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 53

Excused: Fuchs, Hurdle.

Total 2

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 121** - Representative Raser moved **HB 121**, second reading copy, be amended as follows :

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

1. Title, page 1, line 10.

**Strike:** "\$18,818"

**Insert:** "\$19,096"

2. Title, page 1, line 11.

**Strike:** "\$209,090"

**Insert:** "\$212,180"

3. Title, page 1, line 12.

**Strike:** "\$3,819"

**Insert:** "\$3,876"

4. Title, page 1, line 13.

**Strike:** "\$5,090"

**Insert:** "\$5,165"

5. Title, page 1, line 15.

**Strike:** "\$19,096"

**Insert:** "\$19,669"

6. Title, page 1, line 16.

**Strike:** "\$212,180"

**Insert:** "\$218,545"

7. Title, page 1, line 18.

**Strike:** "\$3,876"

**Insert:** "\$3,992"

8. Title, page 1, line 19.

**Strike:** "\$5,165"

**Insert:** "\$5,320"

9. Page 2, line 17.

**Strike:** "\$209,090"

**Insert:** "\$212,180"

10. Page 2, line 18.

**Strike:** "\$18,818"

**Insert:** "\$19,096"

11. Page 2, line 22.

**Strike:** "\$18,818"

**Insert:** "\$19,096"

12. Page 2, line 24.

**Strike:** "\$209,090"

**Insert:** "\$212,180"

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

13. Page 3, line 6.

**Strike:** "\$5,090"

**Insert:** "\$5,165"

14. Page 3, line 10.

**Strike:** "\$3,819"

**Insert:** "\$3,876"

15. Page 3, line 16.

**Strike:** "\$3,819"

**Insert:** "\$3,876"

16. Page 3, line 19.

**Strike:** "\$5,090"

**Insert:** "\$5,165"

17. Page 4, line 15.

**Strike:** "\$212,180"

**Insert:** "\$218,545"

18. Page 4, line 16.

**Strike:** "\$19,096"

**Insert:** "\$19,669"

19. Page 4, line 20.

**Strike:** "\$19,096"

**Insert:** "\$19,669"

20. Page 4, line 22.

**Strike:** "\$212,180"

**Insert:** "\$218,545"

21. Page 5, line 4.

**Strike:** "\$5,165"

**Insert:** "\$5,320"

22. Page 5, line 8.

**Strike:** "\$3,876"

**Insert:** "\$3,992"

23. Page 5, line 14.

**Strike:** "\$3,876"

**Insert:** "\$3,992"

24. Page 5, line 17.

**Strike:** "\$5,165"

**Insert:** "\$5,320"



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Amendment **adopted** as follows:

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Price, Raser, Ripley, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.  
Total 50

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 49

Voted Absentee: Hurdle, Aye.

Excused: Fuchs.  
Total 1

Absent or not voting: None.  
Total 0

Motion that **HB 121**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 74

Noes: Adams, Balyeat, D. Brown, R. Brown, Brueggeman, Curtiss, Dale, Davies, Esp, Hedges, Himmelberger, Jackson, Kasten, Keane, Laszloffy, Lewis, McKenney, Pattison, Shockley, Sliter, Steinbeisser, Story, Vick, Walters, Mr. Speaker.  
Total 25

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 6** - Representative McCann moved **HB 6** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: Adams.

Total 1

**HB 8** - Representative McCann moved **HB 8** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Somerville.

Total 2

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

**HB 144** - Representative Noennig moved **HB 144** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.  
Total 75

Noes: Adams, Balyeat, R. Brown, Dale, Davies, Dell, Devlin, Esp, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, McCann, Mood, Pattison, Ripley, Sliter, Steinbeisser, Vick, Waitschies, Walters, Witt, Mr. Speaker.  
Total 25

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 364** - Representative Curtiss moved **HB 364** do pass. Motion failed as follows:

Ayes: Adams, Bales, Balyeat, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Fuchs, Haines, Hedges, Holden, Hurdle, Jackson, Kasten, Laible, Laszloffy, Masolo, McKenney, Mood, Pattison, Price, Rice, Schrumpf, Shockley, Sliter, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.  
Total 37

Noes: Andersen, Barrett, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Ripley, Rome, Schmidt, Smith, Somerville, Steinbeisser, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.  
Total 62

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.  
Total 0

Absent or not voting: Dell.  
Total 1

**HJR 34** - Representative Haines moved **HJR 34** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: McCann.  
Total 1

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 628** - Representative Wolery moved **HB 628** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Pattison.  
Total 1

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Representative Younkin moved the Committee of the Whole report be adopted.

Representative Sliter made a substitute motion that **HB 121** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 56

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 43

Voted Absentee: Fuchs, Aye; Hurdle, No.

Excused: None.  
Total 0

Absent or not voting: Thomas.  
Total 1

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 5:30 p.m. Motion carried.

House recessed at 3:03 p.m.

House reconvened at 5:30 p.m. All members present, except Representatives Fuchs and Hurdle, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 121** - Representative Mood moved **HB 121** do pass.

Representatives Buzzas, Dell, Eggers, Witt, and Vick excused at this time.

**HB 121** - Representative D. Brown moved **HB 121**, second reading copy, be amended as follows :

1. Page 1.

**Strike:** Committee of the Whole amendment 660932CW.hdc  
(Rep. Raser)

Amendment **not** adopted as follows:

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 50

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Price, Raser, Ripley, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 50

Voted Absentee: Fuchs, Vick, Witt, Ayes; Buzzas, Dell, Eggers, Hurdle, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved consideration of **HB 121** be passed for the day. Motion carried.

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 50

Noes: Bixby, Branae, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Olson, Price, Raser, Rome, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 43

Excused: Buzzas, Dell, Eggers, Fuchs, Hurdle, Vick, Witt.

Total 7

Absent or not voting: None.

Total 0

**HB 5** - Representative McCann moved **HB 5** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Adams, Balyeat, Kasten, Laible, Masolo, Olson, Pattison, Tropila.

Total 8

Voted Absentee: Fuchs, Hurdle, Ayes.

Excused: Buzzas, Dell, Eggers, Vick, Witt.

Total 5

Absent or not voting: None.

Total 0

**HB 124** - Representative Story moved **HB 124** do pass.

**HB 124** - Representative Harris moved **HB 124**, second reading copy, be amended as follows :

1. Page 12, line 19.

**Strike:** "1"

**Insert:** "0.1"

Amendment **not** adopted as follows:

Ayes: Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jayne, Jent, Kaufmann, Keane, Lee, Lenhart, Musgrove, Raser, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 29

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 68

Voted Absentee: Buzzas, Dell, Ayes; Vick, Witt, Noes.

Excused: Eggers, Fuchs, Hurdle.

Total 3

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Representative Forrester excused at this time.

Representative Bitney moved for cloture. Motion carried.

Motion that **HB 124** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lee, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 76

Noes: Balyeat, Bixby, Carney, P. Clark, Curtiss, Davies, Facey, Fisher, Forrester, Galvin-Halcro, Harris, Jayne, Jent, Laslovich, Lawson, Lehman, Lindeen, McCann, Musgrove, Smith, Vick, Wanzenried, Wolery, Younkin.

Total 24

Voted Absentee: Buzzas, Dell, Eggers, Fuchs, Hurdle, Witt, Ayes; Forrester, Vick, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 626** - Representative McCann moved **HB 626** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Cyr, Erickson, Gallus, Gutsche, Juneau, Smith.

Total 6

Voted Absentee: Buzzas, Dell, Eggers, Fuchs, Hurdle, Vick, Witt, Ayes.

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

**HB 38** - Representative Schmidt moved **HB 38** do pass.

**HB 38** - Representative Sliter moved **HB 38**, second reading copy, be amended as follows :

1. Page 2, line 6 through line 7.

**Strike:** ", at the discretion of the local nonprofit agency,"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Devlin, Esp, Facey, Fisher, Hedges, Himmelberger, Holden, Jayne, Jent, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 68

Noes: Bales, Branae, Dale, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Musgrove, Somerville, Story, Tramelli, Wolery.

Total 26

Voted Absentee: Vick, Witt, Ayes.

Excused: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle.

Total 6

Absent or not voting: None.

Total 0

**HB 38** - Representative Laszloffy moved **HB 38**, second reading copy, be further amended as follows :

1. Page 2, line 17.

**Strike:** "may"

**Insert:** "must"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Davies, Devlin, Esp, Facey, Fisher, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 66

Noes: Bixby, Branae, Callahan, Cyr, Dale, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lee, Matthews, Musgrove, Newman, K. Peterson, Raser, Thomas, Wanzenried.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Total 28

Voted Absentee: Vick, Witt, Ayes.

Excused: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle.

Total 6

Absent or not voting: None.

Total 0

Representative Witt is present at this time.

Motion that **HB 38**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 57

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, McKenney, Mood, Pattison, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 41

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Hurdle, Ayes; Fuchs, Vick, Noes.

Excused: None.

Total 0

Absent or not voting: Carney, McCann.

Total 2

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Noes: Jent, Newman, Sliter, Somerville, Tropila.  
Total 5

Excused: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Vick.  
Total 7

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 318** - Representative Facey moved **HB 318** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Devlin, Kasten, Somerville, Steinbeisser, Story.  
Total 5

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Vick, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 468** - Representative Galvin-Halcro moved **HB 468** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood,

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Esp, Steinbeisser, Waitschies.

Total 4

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: Walters.

Total 1

**HB 516** - Representative Jent moved **HB 516** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.

Total 74

Noes: Adams, D. Brown, R. Brown, Brueggeman, Clancy, Dale, Davies, Dell, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Lawson, Lewis, McKenney, Mood, Sliter, Somerville, Story, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.

Total 26

Voted Absentee: Buzzas, Eggers, Forrester, Hurdle, Ayes; Dell, Fuchs, Vick, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K.

HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 23, 2001

Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Carney, Gallus, Musgrove.

Total 3

Excused: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Vick.

Total 7

Absent or not voting: Keane, Laszloffy.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/23/2001

Correctly printed: **HB 577, HJR 35, SB 51, SB 123, SB 170, SB 182, SB 185, SB 196, SB 197, SB 262, SB 263, SB 283, SB 288, SB 359, SB 386, SB 427, SB 476, SJR 2, SJR 10.**

Correctly engrossed: **HB 38.**

**MOTIONS**

Representative Sliter moved that **HB 121** be taken from the Committee of the Whole and rereferred to the Committee on Taxation. Motion carried.

Representative Golie requested the rules be suspended for **HB 625, HB 526, HB 627, HB 637, HB 641.** Motion carried.

Representative Shockley requested on the motion to pass **HB 121** for the day, that his vote be shown as yes if the bill passes second reading on Day 67, and to allow third reading of bill on same day. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 7:30 a.m., Saturday, March 24, 2001. Motion carried.

House adjourned at 8:25 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 24, 2001

House Chambers  
State Capitol

House convened at 7:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Hedges. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Lee, McCann, and Pattison, excused. Quorum present.

Mr Speaker introduced the pages of the week:

Eliza Weber, Great Falls  
Shelby Bunker, Helena  
Scott McCue, Missoula

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/24/2001

Correctly engrossed: **HB 5, HB 6, HB 8, HB 124, HB 144, HB 226, HB 318, HB 468, HB 516, HB 626, HB 628, HJR 34.**

**MESSAGES FROM THE GOVERNOR**

March 23, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 148** sponsored by Representative Jacobson, **House Bill 300** sponsored by Representative Wanzenried, and **House Bill 462** sponsored by Representative Witt on March 23, 2001.

Sincerely,

JUDY MARTZ  
Governor

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Younkin moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 625** - Representative Musgrove moved **HB 625** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Adams, Balyeat, Kasten, Somerville, Vick, Walters.

Total 6

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**HB 526** - Representative Branae moved **HB 526** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Adams, Bales, Balyeat, Barrett, Davies, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Masolo, Rice, Ripley, Rome, Steinbeisser, Story, Vick, Waitschies, Walters.

Total 20

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Lee, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Lee present at this time.

**HB 627** - Representative Juneau moved **HB 627** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Wolery, Younkin.

Total 71

Noes: Adams, Bales, Barrett, Bixby, R. Brown, Clancy, E. Clark, Devlin, Esp, Fisher, Hedges, Himmelberger, Laible, Laszloffy, Lehman, Masolo, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Somerville, Steinbeisser, Walters, Whitaker, Witt, Mr. Speaker.

Total 28

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Ayes; Pattison, No.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**HB 637** - Representative Kaufmann moved **HB 637** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, E. Clark, Devlin, Olson, Ripley, Somerville.

Total 6



HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

**HB 641** - Representative Lindeen moved **HB 641** do pass.

Representative Adams moved for cloture. Motion failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Bixby, Branae, Callahan, Carney, P. Clark, Erickson, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 35

Voted Absentee: Forrester, No.

Excused: Buzzas, Dell, Eggers, Fuchs, Hurdle, McCann, Pattison.

Total 7

Absent or not voting: Facey.

Total 1

Motion that **HB 641** do pass failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Voted Absentee: Buzzas, Dell, Eggers, Hurdle, Ayes; Forrester, Fuchs, McCann, Pattison, Noes.

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 18** - Representative McGee moved **SJR 18** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Noes: Bixby, Branae, R. Brown, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Noennig, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried.  
Total 39

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, McCann, Pattison, Ayes; Hurdle, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Younkin moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Callahan, Carney, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 32

Excused: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison.  
Total 8

Absent or not voting: Tropila.

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 5** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Adams, Balyeat, Curtiss, Davies, Kasten, Laible, Masolo, Pattison, Vick.

Total 9

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Ayes; Pattison, No.

Excused: None.

Total 0

Absent or not voting: Branae, Holden, Juneau.

Total 3

**HB 6** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Total 0

Absent or not voting: Sliter.

Total 1

**HB 8** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Smith, Somerville.

Total 3

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 13** passed as follows:

Ayes: Adams, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Andersen, Balyeat, D. Brown, R. Brown, Curtiss, Davies, Esp, Himmelberger, Jayne, Kasten, Laible, Laszloffy, McCann, Musgrove, Pattison, Rice, Somerville, Story, Vick, Witt.

Total 20

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Ayes; McCann, Pattison, Noes.

Excused: None.

Total 0

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Absent or not voting: None.  
Total 0

**HB 14 failed** (due to 2/3 vote requirement) as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Erickson, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 56

Noes: Adams, Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lenhart, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Somerville, Tramelli, Tropila, Waitschies, Wanzenried.  
Total 44

Voted Absentee: Fuchs, McCann, Pattison, Ayes; Buzzas, Dell, Eggers, Forrester, Hurdle, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 105** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 85

Noes: Balyeat, D. Brown, R. Brown, Dale, Davies, Himmelberger, Juneau, Kasten, Laible, Laszloffy, McCann, Pattison, Story, Vick, Mr. Speaker.  
Total 15

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Ayes; McCann, Pattison, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

**HB 124** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Kasten, Kaufmann, Keane, Laible, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 75

Noes: Balyeat, Bixby, Carney, P. Clark, Curtiss, Davies, Fisher, Galvin-Halcro, Harris, Jayne, Jent, Juneau, Laslovich, Laszloffy, Lawson, Lindeen, McCann, Musgrove, Olson, Smith, Tropila, Vick, Wanzenried, Wolery, Younkin.

Total 25

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, Pattison, Ayes; McCann, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 144** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 73

Noes: Adams, Balyeat, R. Brown, Clancy, Curtiss, Dale, Davies, Devlin, Esp, Jackson, Kasten, Laible, Lawson, McCann, Mood, Olson, Pattison, Rice, Ripley, Sliter, Steinbeisser, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 26

Voted Absentee: Buzzas, Dell, Eggers, Fuchs, Hurdle, Ayes; McCann, Pattison, Noes.

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 226** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Facey, Forrester,

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Branae, Buzzas, Dell, Eggers, Fisher, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jayne, Lee, Newman, Raser.

Total 14

Voted Absentee: Forrester, Fuchs, McCann, Pattison, Ayes; Buzzas, Dell, Eggers, Hurdle, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 318** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Ripley, Story, Witt.

Total 3

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 397** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart,

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Buzzas, Dell, Eggers, Forrester, Galvin-Halcro, Golie, Hurdle, Lee, Ripley.

Total 9

Voted Absentee: Fuchs, McCann, Pattison, Ayes; Buzzas, Dell, Eggers, Forrester, Hurdle, Noes.

Excused: None.

Total 0

Absent or not voting: Cyr.

Total 1

**HB 447** passed as follows:

Ayes: Bales, Barrett, Bitney, Bookout-Reinicke, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Fisher, Fuchs, Gallik, Gallus, Haines, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Thomas, Vick, Waddill, Waitschies, Whitaker, Younkin, Mr. Speaker.

Total 51

Noes: Adams, Andersen, Balyeat, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Mangan, Matthews, Newman, Raser, Rice, Schmidt, Smith, Steinbeisser, Story, Tramelli, Tropila, Walters, Wanzenried, Witt, Wolery.

Total 49

Voted Absentee: Fuchs, Hurdle, McCann, Pattison, Ayes; Buzzas, Dell, Eggers, Forrester, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 468** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf,



HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Adams, Balyeat, Esp, Waitschies.

Total 4

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 516** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 78

Noes: Adams, D. Brown, R. Brown, Clancy, Curtiss, Dale, Davies, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Lawson, Masolo, Sliter, Somerville, Story, Waitschies, Walters, Witt.

Total 21

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Hurdle, McCann, Pattison, Ayes; Fuchs, No.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 626** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Total 94

Noes: Cyr, Erickson, Fritz, Gutsche, Juneau, Smith.

Total 6

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 628** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 34** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Noes: R. Brown, Jackson.  
Total 2

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: Davies.  
Total 1

**HB 38** passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Schmidt, Schruppf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery.  
Total 59

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, McCann, McKenney, Pattison, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Younkin, Mr. Speaker.  
Total 40

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Hurdle, Ayes; Fuchs, McCann, Pattison, Noes.

Excused: None.  
Total 0

Absent or not voting: Mood.  
Total 1

**HB 625** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Adams, Balyeat, Kasten, Somerville, Vick.  
Total 5

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 526** passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 78

Noes: Adams, Bales, Balyeat, Barrett, Brueggeman, Curtiss, Davies, Hedges, Kasten, Laible, Laszloffy, Masolo, Olson, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Vick, Waitschies, Mr. Speaker.

Total 22

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 627** passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Wolery, Younkin, Mr. Speaker.

Total 74

Noes: Adams, Bales, Balyeat, Barrett, Clancy, E. Clark, Devlin, Esp, Fisher, Himmelberger, Laible, Laszloffy, Lehman, Masolo, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Walters, Whitaker, Witt.

Total 26

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Ayes; Pattison, No.

Excused: None.

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

Total 0

Absent or not voting: None.

Total 0

**HB 637** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, E. Clark, Devlin, Olson, Ripley, Somerville.

Total 6

Voted Absentee: Buzzas, Dell, Eggers, Forrester, Fuchs, Hurdle, McCann, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/24/2001

Correctly engrossed: **HB 121, HB 526, HB 625, HB 627, HB 637, SJR 18.**

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 650**, introduced by Mood, Taylor, referred to Business and Labor.

**MOTIONS**

Representative Sliter moved that **HB 639** be taken from the Committee on State Administration and rereferred to the Committee on Taxation. Motion carried.

Representative Shockley requested on **HB 144**, second reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

Representative Price requested on **HB 5**, third reading today, that his vote be shown as yes. There being no objections,

HOUSE JOURNAL  
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 24, 2001

so ordered.

Representative Bixby requested on **HB 8**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Schrumpf requested on **HB 516**, second reading yesterday, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Waitschies requested on **HB 627**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Lehman requested on **HB 526**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Golie requested on **HB 625** and **HB 526**, second reading today, that Representative Lee's votes be shown as yes. There being no objections, so ordered.

Representative Golie requested on **SJR 18**, second reading today, that Representative Hurdle's vote be changed from yes to no. There being no objections, so ordered.

Representative Sliter moved that **SB 398** be taken from the Committee of the Whole and rereferred to the Committee on Taxation. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:30 a.m., Monday, March 26, 2001. Motion carried.

House adjourned at 10:15 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 26, 2001

House Chambers  
State Capitol

House convened at 11:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Rice. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Erickson, Lindeen, and Steinbeisser, excused. Quorum present.

Mr. Speaker introduced the pages for the week:

Christopher Bauser, Billings  
Emily Waters, Billings  
Andrea Helling, Victor  
Nicole DeWeese, Gardiner  
Lindsay Banks, Darby  
Natalee Burnett, Billings  
Sara Oralls, Anaconda  
Cass Thompson, Helena  
Carla Kinney, Polson

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/26/2001  
Correctly enrolled: **HB 451, HB 461, HB 477, HB 533, HB 537, HJR 16, HJR 21.**  
Signed by the Speaker at 1:15 p.m., March 26, 2001: **HB 292, HB 386.**  
Examined by the sponsor and found to be correct: **HB 292, HB 386, HB 451, HB 477, HB 533, HB 537, HJR 21, HJR 16.**

**NATURAL RESOURCES** (Younkin, Chairman): 3/26/2001  
**SB 167**, be amended as follows:

1. Page 2, lines 16 and 17.  
**Following:** "plat" on line 16  
**Strike:** "or certificate of survey"
2. Page 5, line 24.  
**Following:** "plat"  
**Strike:** "or certificate of survey"
3. Page 8, line 29.  
**Following:** "plat"  
**Strike:** "or certificate of survey"
4. Page 9, line 3.  
**Following:** "plat"

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**Strike:** "or certificate of survey"

5. Page 9, line 4.

**Following:** "plat"

**Strike:** "or certificate of survey"

6. Page 9, line 6.

**Following:** "plat"

**Strike:** "or certificate of survey"

7. Page 9, lines 8 and 9.

**Following:** "plat"

**Strike:** "or certificate of survey"

8. Page 9, lines 14 and 15.

**Following:** "plat"

**Strike:** "or certificate of survey"

9. Page 9, line 20.

**Following:** the first "plat" on line 20

**Strike:** "or certificate of survey"

10. Page 9, lines 20 and 21.

**Following:** the second "plat" on line 20

**Strike:** "or certificate of survey"

11. Page 11, line 8.

**Following:** "plat"

**Strike:** "or a certificate of survey"

And, as amended, be concurred in. Report adopted.

**SB 375**, be concurred in. Report adopted.

**SB 376**, be concurred in. Report adopted.

**SB 378**, be amended as follows:

1. Page 4, line 19.

**Following:** "DISALLOW THE"

**Insert:** "associated"

**Following:** "DETERMINES"

**Insert:** ", based on the record,"

2. Page 4, line 20.

**Following:** the first "THE"

**Strike:** remainder of line 20

**Insert:** "liable person can show that the costs are not reasonable."

3. Page 4.



HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**Following:** line 25

**Insert:** "NEW SECTION. Section 3. Saving clause. [This act] does not affect claims, rights, and duties that matured or proceedings that were begun before [the effective date of this act]."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 379**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 3/24/2001

**SB 289**, introduced by Tester

**SB 322**, introduced by Shea

**SB 339**, introduced by Berry

**SB 350**, introduced by Ellingson

House amendments to Senate bills concurred in: 3/24/2001

**SB 38**, introduced by Grimes

**SB 159**, introduced by Grosfield

**SB 184**, introduced by Cobb

**SB 306**, introduced by Cocchiarella

House amendments to Senate joint resolution concurred in: 3/24/2001

**SJR 4**, introduced by Taylor

House bills concurred in and returned to the House: 3/24/2001

**HB 451**, introduced by Golie

**HB 461**, introduced by Shockley

**HB 477**, introduced by Kasten

**HB 533**, introduced by Vick

**HB 537**, introduced by Sliter

House joint resolutions concurred in and returned to the House: 3/24/2001

**HJR 16**, introduced by Haines

**HJR 21**, introduced by Laible

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/24/2001

**HB 33**, introduced by Younkin

**HB 41**, introduced by Witt

**HB 186**, introduced by Holden

**HB 279**, introduced by McKenney

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**HB 377**, introduced by Somerville

**HB 502**, introduced by Story

**HB 560**, introduced by Noennig

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committee:

**SB 289**, introduced by Tester, Callahan, Doherty, Ekegren, Franklin, Galvin-Halcro, Golie, Hargrove, Lee, Mangan, McKenney, Ripley, Roush, Ryan, Schmidt, Tropila, Whitaker, referred to State Administration.

**SB 322**, introduced by Shea, Beck, Christiaens, Cocchiarella, Cole, Crismore, Dale, Doherty, Ellingson, Erickson, Facey, Gallus, Golie, Grimes, Halligan, Harrington, Laslovich, Lawson, Mahlum, Masolo, Matthews, McCarthy, McKenney, McNutt, Mood, Roush, Sprague, Tash, Tester, B. Thomas, Waterman, referred to Business and Labor.

**SB 339**, introduced by Berry, referred to Business and Labor.

**SB 350**, introduced by Ellingson, Bohlinger, Erickson, Franklin, Halligan, Pease, Toole, referred to Taxation.

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SJR 18, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumph, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Musgrove, Newman, Noennig, Raser, Schmidt, Shockley, Tramelli, Wanzenried.

Total 38

Voted Absentee: Lindeen, Steinbeisser, Ayes; Erickson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative R. Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 357** - Representative Fuchs moved consideration of **HB 357** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 534** - Representative Raser moved **HB 534** do pass. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Voted Absentee: Erickson, Lindeen, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 591** - Representative Sliter moved consideration of **HB 591** be passed for the day. Motion carried.

**HB 598** - Representative Brueggeman moved **HB 598** do pass.

Representative Adams moved for cloture. Motion requiring a two-thirds vote, failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 36

Excused: Erickson, Lindeen, Steinbeisser.

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

Total 3

Absent or not voting: Facey, Gillan.

Total 2

Motion that **HB 598** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 68

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Musgrove, Raser, Schmidt, Smith, Tramelli.

Total 32

Voted Absentee: Lindeen, Steinbeisser, Ayes; Erickson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 420** - Representative Shockley moved **HB 420** do pass.

**HB 420** - Representative Shockley moved **HB 420**, second reading copy, be amended as follows :

1. Title, page 1, line 4.

**Following:** "~~CONDEMNOR~~"

**Strike:** "PERSON"

**Insert:** "CONDEMNOR"

2. Title, page 1, line 5.

**Following:** "~~CONDEMNEE~~"

**Strike:** "PROPERTY OWNER"

**Insert:** "CONDEMNEE"

3. Title, page 1, line 6.

**Following:** "~~CONDEMNEE'S~~"

**Strike:** "PROPERTY OWNER'S"

**Insert:** "CONDEMNEE'S"

4. Title, page 1, line 9 and line 10.

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**Strike:** "EXPANDING" on line 9 through "ACCRUE;" on line 10

5. Title, page 1, line 11.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "70-30-305, AND 70-30-306,"

6. Page 1, line 17 through line 19.

**Following:** "action;"

**Strike:** "A PERSON" on line 17 through "OCCURS" on line 19

**Insert:** "The condemnor in an eminent domain action is required to provide the condemnee with a statement of the condemnee's rights in an eminent domain action"

7. Page 1, line 24 through line 25.

**Strike:** "(c)" through "located;" on line 25

**Renumber:** subsequent subsection

8. Page 1, line 28 and 29.

**Strike:** subsection (ii) in its entirety

**Renumber:** subsequent subsections

9. Page 2, line 5.

**Following:** "made until"

**Insert:** "30 days after"

**Following:** "rights has been"

**Strike:** "recorded for 30 days"

**Insert:** "provided to the condemnee"

10. Page 2, line 20 through page 3, line 22

**Strike:** sections 3 and 4 in their entirety

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

Noes: Bixby, Buzzas, P. Clark, Dale, Hurdle, Jayne, Juneau, Keane, Lee, Mangan, Matthews, Newman, Raser.

Total 13

Excused: Erickson, Lindeen, Steinbeisser.

Total 3

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

Absent or not voting: McCann, Sliter, Somerville.  
Total 3

Motion that **HB 420**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 86

Noes: Bales, Barrett, Clancy, Erickson, Forrester, Jayne, Kasten, Lewis, Mood, Olson, K. Peterson, Sliter, Younkin.  
Total 13

Voted Absentee: Lindeen, Steinbeisser, Ayes; Erickson, No.

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

**HB 619** - Representative Harris moved **HB 619** do pass. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Newman, Noennig, A. Peterson, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Wolery.  
Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Sliter, Somerville, Story, Vick, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 45

Voted Absentee: Erickson, Lindeen, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**HB 642** - Representative Story moved **HB 642** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Sliter.

Total 1

Voted Absentee: Erickson, Lindeen, Steinbeisser, Ayes; Sliter, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 357** - Representative Fuchs moved **HB 357** do pass.

**HB 357** - Representative Fuchs moved **HB 357**, second reading copy, be amended as follows :

1. Title, line 5.

**Strike:** "APPROPRIATIONS"

**Insert:** "AN APPROPRIATION"

2. Title, line 9.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "15-35-108 AND"

3. Title, line 10.

**Following:** "~~AN~~"

**Insert:** "AN"

4. Title, line 11.

**Strike:** "DATES"

**Insert:** "DATE"

5. Page 2, line 3 through line 4.

**Strike:** "FUNDS" on line 3 through "AND" on line 4

6. Page 2, line 12.

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**Strike:** "15-35-108"

**Insert:** "[section 3]"

7. Page 2, line 21.

**Strike:** "15-35-108"

**Insert:** "[section 3]"

8. Page 4, line 3 through page 8, line 5.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

9. Page 8, line 18.

**Strike:** "15-35-108"

**Insert:** "[section 3]"

10. Page 12, line 24 through line 26.

**Strike:** section 6 in its entirety

**Insert:** "NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2001."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Esp, Facey, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 72

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Dell, Fisher, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Musgrove, K. Peterson, Schmidt, Smith, Wanzenried.

Total 24

Voted Absentee: Sliter, Aye.

Excused: Erickson, Lindeen, Steinbeisser.

Total 3

Absent or not voting: McCann.

Total 1

Motion that **HB 357**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Facey, Forrester, Fuchs, Gallus, Galvin-Halcro, Haines, Hedges, Himmelberger, Holden, Jacobson, Jayne, Kasten, Laible, Laslovich, Lee, Lehman, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Story, Thomas, Tramelli, Tropila, Vick, Walters, Whitaker, Witt, Younkin, Mr. Speaker.



HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

Total 57

Noes: Adams, Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, Carney, P. Clark, Cyr, Dell, Erickson, Esp, Fisher, Fritz, Gallik, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jent, Juneau, Kaufmann, Keane, Laszloffy, Lawson, Lenhart, Lindeen, McCann, Musgrove, A. Peterson, K. Peterson, Raser, Schmidt, Smith, Somerville, Steinbeisser, Waddill, Waitschies, Wanzenried, Wolery.

Total 43

Voted Absentee: Sliter, Aye; Erickson, Lindeen, Steinbeisser, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 74

Noes: Bixby, Buzzas, Esp, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Musgrove, Schmidt, Smith, Wanzenried.

Total 19

Excused: Erickson, Lindeen, Sliter, Steinbeisser.

Total 4

Absent or not voting: Davies, McCann, Mood.

Total 3

**MOTIONS**

Representative Noennig requested on **SJR 18**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Jackson requested on **HB 420**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Kaufmann requested on **HB 619**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

Representative Shockley requested on **SJR 18**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Lehman requested on **HB 357**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Masolo, Chairman):  
**SB 423**, be amended as follows:

3/26/2001

1. Title, line 5.

**Strike:** "10"

**Insert:** "15"

2. Page 3, line 4.

**Strike:** "10%"

**Insert:** "15%"

3. Page 3.

**Following:** line 24

**Insert:** "(11) When a trustee position becomes vacant in a single-member district, the position must be filled in accordance with the provisions of 20-3-309, except that the position must be filled by a person who resides within the single-member district."

And, as amended, be concurred in. Report adopted.

**SB 436**, be amended as follows:

1. Title, line 7.

**Following:** "20-9-133"

**Strike:** "AND"

**Insert:** ", 20-9-201,"

**Following:** "20-9-208,"

**Insert:** "AND 20-9-443,"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 1, line 15.

**Following:** "resulting budget"

**Insert:** ", including any budget authority transferred in from other budgeted funds in compliance with 20-9-208(2),"

3. Page 1.

**Following:** line 26

**Insert:** "**Section 2.** Section 20-9-201, MCA, is amended to read:

**"20-9-201. Definitions and application.** (1) As used in this title, unless the context clearly indicates otherwise, "fund" means a separate detailed account of receipts and expenditures for a specific purpose as authorized by law or by the superintendent of public instruction under the provisions of subsection (2). Funds are classified as

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

follows:

(a) A "budgeted fund" means any fund for which a budget must be adopted in order to expend money from the fund. The general fund, transportation fund, bus depreciation reserve fund, tuition fund, retirement fund, debt service fund, building reserve fund, adult education fund, nonoperating fund, and any other funds designated by the legislature are budgeted funds.

(b) A "nonbudgeted fund" means any fund for which a budget is not required in order to expend money on deposit in the fund. The school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, interlocal cooperative fund, internal service fund, impact aid fund, enterprise fund, agency fund, extracurricular fund, metal mines tax reserve fund, endowment fund, litigation reserve fund, and any other funds designated by the legislature are nonbudgeted funds.

(2) The school financial administration provisions of this title apply to all money of any elementary or high school district. Elementary and high school districts shall record the receipt and disbursement of all money in accordance with generally accepted accounting principles. The superintendent of public instruction has general supervisory authority as prescribed by law over the school financial administration provisions, as they relate to elementary and high school districts. The superintendent of public instruction shall adopt rules necessary to secure compliance with the law.

(3) Except as otherwise provided by law, whenever the trustees of a district determine that a fund is inactive and will no longer be used, the trustees shall close the fund by transferring all cash and other account balances to ~~the general fund~~ any fund considered appropriate by the trustees if the fund does not have a cash or fund balance deficit.""

**Renumber:** subsequent sections

4. Page 2, line 4.

**Strike:** "Transfers"

**Insert:** "Unless otherwise restricted by a specific provision in this title, transfers"

5. Page 2, line 12.

**Following:** "voters"

**Insert:** "or with funds raised by a nonvoted levy"

**Following:** "within"

**Insert:** "or directly related to"

**Strike:** "voter-approved"

6. Page 2, line 13.

**Strike:** "originally approved"

**Insert:** "raised"

**Following:** " z "

**Insert:** "Before a transfer can occur, the trustees shall hold a properly noticed hearing to accept public comment on the transfer."

7. Page 2, line 14.

**Strike:** "Transfers"

**Insert:** "Unless otherwise authorized by a specific provision in this title, transfers"

8. Page 2, lines 14 and 15.

**Strike:** "OR" on line 14 through "LEVIES" on line 15

9. Page 2, lines 15 and 16.

**Strike:** "z" on line 15 through "20-9-512" on line 16

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

10. Page 2, line 20.

**Following:** "law."

**Insert:** "Before a transfer can occur, the trustees shall hold a properly noticed hearing to accept public comment on the transfer."

11. Page 2.

**Following:** line 21

**Insert:** "Section 4. Section 20-9-443, MCA, is amended to read:

**"20-9-443. Disposition of remaining debt service fund.** When all of the bonds and bond interest of any school district have been fully paid, all money remaining in the debt service fund for ~~such~~ the school district and all ~~moneys which~~ money that may come into ~~such~~ the debt service fund from the payment of the delinquent taxes ~~shall~~ must be transferred by the county treasurer to the building reserve levy fund, the technology acquisition fund, or the general fund of such as designated by the school district, provided that the subsequent use of the funds by the school district is limited to constructing, equipping, or enlarging school buildings or purchasing land needed for school purposes in the district."

**Insert:** "NEW SECTION. Section 5. Effective date -- applicability. [This act] is effective July 1, 2001, and applies to transfers during the school fiscal year beginning on or after July 1, 2001."

And, as amended, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/26/2001  
**HB 474**, be amended as follows:

1. Title, line 5.

**Strike:** "INCREASING THE WHOLESALE ENERGY TRANSACTION TAX;"

**Insert:** "CREATING A WINDFALL PROFITS TAX;"

2. Title, lines 6 and 7.

**Strike:** "INCREASED" on line 6

**Following:** "ASSISTANCE;" on line 6

**Strike:** remainder of line 6 through ";" on line 7

3. Title, lines 11 and 12.

**Following:** "REMARKETED;" on line 11

**Strike:** remainder of line 11 through ";" on line 12

**Insert:** "AUTHORIZING THE PUBLIC SERVICE COMMISSION TO USE THE PROCEEDS OF THE WINDFALL PROFITS TAX TO CONTRACT FOR THE PURCHASE OF ELECTRICAL ENERGY FOR SALE TO MONTANA CUSTOMERS ON BEHALF OF THE DEFAULT SUPPLIER; AUTHORIZING THE BOARD OF INVESTMENTS TO INVEST IN NEW GENERATION PROJECTS THAT MEET CERTAIN CRITERIA; PROVIDING ELIGIBILITY CRITERIA FOR THE PROJECTS, INCLUDING LONG-TERM CONTRACTS WITH THE DEFAULT SUPPLIER FOR THE PURCHASE OF THE ELECTRICAL ENERGY GENERATED BY THE PROJECTS; REQUIRING A PLEDGE OF THE CONTRACT PROCEEDS AS A REPAYMENT OPTION FOR THE INVESTMENTS; MAKING THE STATE A PARTY TO THE CONTRACT IN THE EVENT OF DEFAULT IN PAYMENT BY DEFAULT SUPPLIER;"

4. Title, line 13.

**Strike:** "SECTIONS 15-72-104, 15-72-106,"

**Insert:** "SECTION"

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**Strike:** "69-8-211, AND 69-8-403,"

5. Title, line 14.

**Strike:** "AND A TERMINATION DATE"

6. Page 1, line 18 through page 4, line 5.

**Strike:** sections 1 through 3 in their entirety

**Insert:** "NEW SECTION. Section 1. Windfall profits tax. (1) There is a tax imposed on the windfall profits derived from the sale of electrical energy generated in Montana. The tax rate is equal to 90% of the windfall profits.

(2) In order to calculate windfall profits, each entity selling electrical energy generated in Montana shall report to the department the total income from sales of electrical energy generated in Montana. The department shall subtract from the total income the total kilowatt hours generated times the base year price. The amount determined is the tax base for the windfall profits tax. The tax base times the tax rate is the amount of windfall profits tax due to the state.

(3) The base year price is calculated as 5 cents per kilowatt hour. The department shall adjust the base year price to account for inflation by multiplying the base year price by the inflation factor for the prior year. For purposes of this subsection, "inflation factor" has the meaning provided in 15-30-101.

(4) The proceeds of the windfall profits tax must be deposited in the state special revenue account provided for in [section 2].

(5) The department may request assistance from the public service commission in analyzing data necessary to calculate the windfall profits tax."

**Insert:** "NEW SECTION. Section 2. Windfall profits tax account -- use. (1) There is a windfall profits tax account in the state special revenue fund. The proceeds of the tax collected pursuant to [section 1] must be deposited in the account.

(2) The money in the account may be used by the public service commission to contract for electrical energy for distribution to Montana customers on behalf of the default supplier provided for in 69-8-416 and to fund the low-income energy assistance program provided for in 69-8-412."

**Insert:** "NEW SECTION. Section 3. Purpose. The purposes of [sections 3 through 7] are to:

(1) create up to 250 megawatts of electrical energy from new generation projects in Montana; and

(2) permit the purchase of up to 120 megawatts of electrical energy from existing qualified facilities that are located in Montana for the purpose of providing consumers with low-cost, reliable electrical energy."

**Insert:** "NEW SECTION. Section 4. Definitions. As used in [sections 3 through 7], the following definitions apply:

(1) "Default supplier" has the meaning provided in 69-8-103.

(2) "Qualified facility" means an electrical generation facility owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a."

**Insert:** "NEW SECTION. Section 5. Qualification date. In order to participate in [sections 3 through 7], a new generation

project must commence or have completed construction by July 1, 2003, or be an existing qualified facility choosing to participate in the contract portion of the program provided for in [section 7]."

**Insert:** "NEW SECTION. Section 6. Investment criteria. (1) The board of investments shall review applications from proposed new electrical generation facilities and existing qualified facilities for in-state investments pursuant to Title 17, chapter 6, part 3. In order to make an investment in a new electrical generation facility or an existing qualified facility, the board shall determine that:

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

(a) the project promotes economic development in Montana and creates or maintains employment opportunities in Montana;

(b) the construction of the project will provide stable electrical energy rates for Montanans who rely on the default supplier for electrical energy;

(c) the project will maintain environmental quality consistent with state and federal standards; and

(d) the project possesses long-term economic prospects consistent with the obligation to provide electrical energy generation capacity and electrical energy for the term of the contracts as required in [section 7].

(2) A project selected by the board must be collateralized by payments for the sale of the electricity produced by the project to the default supplier at rates not in excess of 5 cents per kilowatt hour plus annual escalations equal to the inflation rate. A payment may be made from the assets of the state if the default supplier or its assignee fails to pay the approved project for energy delivered in order to maintain the supply of energy to Montana. The state must be a party to the contract and may bring a cause of action against the default supplier for nonpayment."

**"NEW SECTION. Section 7. Term of contract -- pledge.** (1) A project is not eligible for an investment under [section

6] unless the applicant has signed an assignable electrical energy sales agreement with the default supplier or its successor in interest for a term of not less than 15 years or more than 25 years.

(2) The proceeds of the contract must be pledged as security for the repayment of the investment.

**Renumber:** subsequent sections

7. Page 5, line 1.

**Strike:** "must"

**Insert:** "shall"

8. Page 5, line 20 through page 9, line 28.

**Strike:** sections 5 and 6 in their entirety

**Renumber:** subsequent sections

9. Page 9, line 30.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "3"

**Insert:** "1"

10. Page 10, line 2.

**Strike:** "3"

**Insert:** "1"

11. Page 10, line 3.

**Insert:** "(2) [Section 2] is intended to be codified as an integral part of Title 69, chapter 8, and the provisions of Title 69, chapter 8, apply to [section 2].

(3) [Sections 3 through 7] are intended to be codified as an integral part of Title 17, chapter 6, and the provisions of Title 17, chapter 6, apply to [sections 3 through 7]."

12. Page 10, line 6.

**Strike:** section 9 in its entirety

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**SJR 9**, be concurred in. Report adopted.

**SJR 16**, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/26/2001

**SB 28**, be amended as follows:

1. Page 12.

**Following:** line 5

**Insert:** "(3) If, in the absence of a certified mail return receipt showing the date of service, a person requests a hearing or appears at an administrative review, any financial information ordered produced pursuant to subsection (2) must be provided to the department no later than the 20th day after the person requests the hearing or appears at the administrative review, unless the person requesting the hearing or attending the administrative review waives that date in writing. A person who waives that date in writing shall provide the financial information by the date provided in subsection (2) or by another date established by order of the department."

2. Page 15, line 4.

**Following:** "be present."

**Insert:** "A party may appear in person at the administrative review session at the party's own expense. The personal appearance of a party at an administrative review session does not require the personal appearance of any other party or witness at the review session."

3. Page 15, line 25.

**Strike:** "mailed to"

**Insert:** "served on"

**Strike:** "."

**Insert:** "personally or by certified mail. If service on the party is by certified mail, the 10-day period for a request of an administrative hearing begins to run the day after the certified mail return receipt is signed."

4. Page 16, line 7.

**Following:** "by the"

**Insert:** "parties or the"

5. Page 17, line 17.

**Following:** "court"

**Insert:** "or a court or administrative agency of another jurisdiction"

6. Page 17, line 18.

**Strike:** "."

**Insert:** ", if that order was entered by a Montana district court. If the order was entered by a court or administrative agency of another jurisdiction, the order must be filed with and approved by a Montana district court that is an appropriate court under the Montana laws or rules of court governing jurisdiction and venue in civil proceedings."

**Following:** "file the"

**Insert:** "proposed"

7. Page 17, line 19.

**Strike:** "Montana"

**Insert:** "appropriate"

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

**Strike:** "that issued the support order"

**Insert:** "under the Montana laws or rules of court governing jurisdiction and venue in civil proceedings"

**Strike:** "by mailing copies to"

**Insert:** "on"

**Strike:** ". "

**Insert:** "and their counsel of record in the administrative and court proceedings personally or by certified mail, return receipt requested. Service is complete upon signing of the return receipt."

And, as amended, be concurred in. Report adopted.

**SB 116**, be amended as follows:

1. Page 9, line 13.

**Following:** "shall"

**Insert:** "promptly"

2. Page 9, line 16.

**Following:** "~~promptly~~"

**Insert:** "promptly"

And, as amended, be concurred in. Report adopted.

**SB 440**, be concurred in. Report adopted.

**SB 442**, be amended as follows:

1. Page 2, line 5.

**Strike:** "may"

**Insert:** "shall"

And, as amended, be concurred in. Report adopted.

**SJR 8**, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/26/2001

**HJR 39**, introduced joint resolution, be amended as follows:

1. Page 2, line 4.

**Following:** "strikes,"

**Insert:** "sentences for violations of 61-8-401 and 61-8-406,"

2. Page 2, line 18.

**Following:** "state"

**Insert:** "and that are necessary or advisable to address recidivism and the growth of the populations in secure facilities"

And, as amended, be adopted. Report adopted.

**TAXATION** (Story, Chairman):

3/26/2001

**HB 646**, introduced bill, be amended as follows:



HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 26, 2001

1. Page 1, line 24.

**Strike:** "reasonable"

**Following:** "return"

**Insert:** "not to exceed 12% "

2. Page 1, line 30.

**Following:** "sales"

**Insert:** "of surplus capacity"

3. Page 2, line 7.

**Strike:** "the failure of reasonably maintained"

**Following:** "equipment"

**Insert:** "failure"

4. Page 2.

**Following:** line 10

**Insert:** "(a) "Average megawatt" means the annual net output of electricity in megawatt hours divided by hours in a year."

**Renumber:** subsequent subsections

5. Page 2, line 13.

**Strike:** "5"

**Insert:** "3"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

3/26/2001

**HJR 36**, introduced joint resolution, be amended as follows:

1. Page 1, line 22 through line 29.

**Strike:** "WHEREAS" on line 22 through "; and" on line 29

And, as amended, be adopted. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Tuesday, March 27, 2001. Motion carried.

House adjourned at 2:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Haines. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/27/2001  
Correctly printed: **HB 248, HB 474, HB 646, HJR 36, HJR 38, HJR 39, SB 28, SB 116, SB 167, SB 375, SB 376, SB 378, SB 379, SB 423, SB 436, SB 440, SB 442, SJR 8, SJR 9, SJR 16.**  
Correctly engrossed: **HB 357, HB 420, HB 598, HB 619, HB 642.**  
Correctly enrolled: **HB 109, HB 488, HB 529, HB 609, HJR 23.**  
Examined by the sponsor and found to be correct: **HB 109, HB 488, HB 529, HB 609, HJR 23.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/27/2001  
**HB 632**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "RATES"

**Insert:** "RATE"

**Following:** " ; "

**Insert:** "ALLOWING THE PUBLIC SERVICE COMMISSION TO IMMEDIATELY ADJUST RATES UPWARD  
IN THE PUBLIC INTEREST;"

2. Title, page 1, line 9.

**Following:** "RATES"

**Insert:** "FOR DEFAULT SUPPLY"

3. Title, page 1, line 11.

**Following:** "ADOPT"

**Insert:** "A"

**Following:** "LIFELINE"

**Strike:** "RATES"

**Insert:** "RATE"

4. Title, page 1, lines 12 and 13.

**Strike:** "COMMERCIAL OR INDUSTRIAL"

**Insert:** "LARGE"

5. Page 1.

**Following:** line 14

**Insert:** "WHEREAS, the 1997 Legislature approved Senate Bill No. 390, which placed Montana on the road to customer choice, with the goal of eventually allowing market forces to provide lower prices for Montana electricity consumers than could be achieved through government regulation; and

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

WHEREAS, the 1997 Legislature had no way of anticipating recent events and conditions that have produced extraordinarily high electricity prices in the Western United States, including the unwillingness of the state of California to build power plants to serve that state's surging power demands, severe drought conditions in the Northwest that have substantially reduced hydroelectric generation, and rapid increases in natural gas prices that have inflated electricity costs from gas-fired plants; and

WHEREAS, Senate Bill No. 390 contained certain provisions intended to protect Montana electricity consumers in the event that competition did not prove adequate to provide reasonable electricity prices; and

WHEREAS, the Montana Legislature has now concluded that the Montana Public Service Commission has the authority to immediately establish a lifeline rate for that portion of generation that served large customers in Montana in 1998 and should establish just and reasonable rates to continue regulation for all customers until the Public Service Commission approves a transition plan for a public utility that has elected to file a transition plan."

6. Page 2, line 12.

**Strike:** "lifeline rates"

**Insert:** "a lifeline rate"

7. Page 4, line 11.

**Following:** "Lifeline"

**Strike:** "rates"

**Insert:** "rate"

**Following:** "means"

**Insert:** "an"

**Following:** "temporary"

**Strike:** "rates that are"

**Insert:** "rate"

8. Page 4, lines 12 and 13.

**Strike:** "commercial or industrial" on line 12

**Insert:** "large"

**Strike:** "without" on line 12

**Insert:** "to obtain"

**Strike:** "as of" on line 12 through "suspended" on line 13

**Insert:** "until the commission establishes just and reasonable rates for generation pursuant to 69-8-403(1)"

9. Page 5, line 7.

**Following:** "assignees"

**Insert:** "to any business component of the electric utility that generates, transmits, or distributes electrical energy"

10. Page 6, line 16.

**Strike:** "2002"

**Insert:** "2004"

11. Page 7, line 17.

**Strike:** "price of"

**Insert:** "rates, tolls, and charges for"

**Following:** "customers of"

**Strike:** "Montana utilities"

**Insert:** "a public utility that has filed a transition plan"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

12. Page 7, line 19.

**Following:** "customers"

**Insert:** "of a default supplier"

13. Page 7, line 24.

**Following:** "for"

**Insert:** "the generation of electricity supplied to"

**Strike:** "of a"

**Insert:** "requesting that service from any"

14. Page 7, line 29.

**Strike:** "the ability of customers to pay"

**Insert:** "other factors that the commission considers relevant to the determination of just and reasonable rates"

15. Page 9, line 4.

**Following:** "of"

**Strike:** "its"

**Insert:** "the"

16. Page 10, line 20.

**Strike:** "."

**Insert:** ":",

17. Page 10, following line 20.

**Insert:** "(e) an increase in rates reflecting the commission's determination that a gradual upward adjustment based on just and reasonable criteria set forth in 69-8-210(3) is in the public interest."

18. Page 10, line 27.

**Following:** the first "the"

**Strike:** "4-year"

**Insert:** "6-year"

19. Page 11, line 9 through 10.

**Strike:** "to all Montana consumers" on line 9

**Insert:** "for the generation of electricity supplied to all customers of a public utility that has filed a transition plan"

**Following:** "a" on line 9

**Insert:** "reasonable"

**Strike:** "analysis" on line 9 through "pay, and" on line 10

**Insert:** ":",

**Following:** second "and" on line 10

**Insert:** "other factors that the commission determines are relevant, in order to"

20. Page 11, line 12 through line 17.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) Within 30 days of [the effective date of this act], the commission shall adopt a temporary lifeline rate for all large customers who request this rate classification for a supply of electricity, the price of which does not exceed 150% of the price of the supply component of the otherwise applicable regulated tariffed rate for that class of customer. The lifeline rate must expire as soon as the commission issues the interim order provided

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

for in subsection (3)."

21. Page 11, line 19.

**Following:** "Montana"

**Strike:** "consumers"

**Insert:** "customers of a utility that has filed a transition plan"

22. Page 11, line 20.

**Following:** "rates"

**Strike:** " "

**Insert:** "for all classes of customers of a public utility that has filed a transition plan until the commission has issued a final order regarding the utility's transition plan."

23. Page 11, line 21 through line 24.

**Strike:** lines 21 through 24 in their entirety

24. Page 11, line 28.

**Following:** "procured"

**Insert:** "when electricity supply is procured"

25. Page 11, line 29.

**Following:** "suppliers"

**Strike:** "or the successor or assignee of a public utility"

26. Page 11, line 30.

**Following:** "customers"

**Strike:** "not being"

**Insert:** "who have not exercised and maintained the choice to be"

27. Page 11, line 30 through line 1 on page 12.

**Following:** "supplier" on line 30

**Strike:** "or" through "supply" on page 12, line 1

28. Page 12, lines 5 through 7.

**Following:** "until" on line 5

**Strike:** "a final"

**Insert:** ": (a) a"

**Following:** "utility" on line 6

**Strike:** " "

**Insert:** "that has filed a transition plan; and  
(b)"

**Strike:** "(7)" on line 7

**Strike:** "The commission may not give final approval to a transition plan unless" on line 7

29. Page 12, line 11.

**Strike:** "(8)"

**Insert:** "(7)"

**Renumber:** subsequent subsections

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 3/26/2001

**SB 176**, introduced by McNutt

**SB 483**, introduced by Christiaens

House bills concurred in and returned to the House: 3/26/2001

**HB 109**, introduced by Mangan

**HB 488**, introduced by Wolery

**HB 529**, introduced by Pattison

**HB 609**, introduced by Story

House joint resolution concurred in and returned to the House: 3/26/2001

**HJR 23**, introduced by Wanzenried

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/26/2001

**HB 401**, introduced by Lee

**HB 442**, introduced by Jayne

**HB 554**, introduced by Sliter

**HB 569**, introduced by Esp

**MESSAGES FROM THE GOVERNOR**

March 26, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 80, "**AN ACT CLARIFYING THE MANAGEMENT RESPONSIBILITIES OF THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; ADDING THREE MEMBERS TO THE COMMISSION; ALLOWING FOR THE HIRING OF ADDITIONAL**

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**COMMISSION STAFF; ALLOWING THE COMMISSION TO CONDUCT BUILDING PRESERVATION, STABILIZATION, OR MAINTENANCE COSTING OVER \$200,000 WITHOUT LEGISLATIVE CONSENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT INTEREST ON MONEY IN THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE COMMISSION; AND AMENDING SECTIONS 22-3-1001, 22-3-1002, 22-3-1003, AND 22-3-1004, MCA" for the following reasons.**

I have no objections to the broad objectives of SB 80, nor to all but one of its specific measures. I would, however, recommend that the current language in Section 2 specifically identifying an administrative level position and designating that specific position as a member of the Montana Heritage Preservation and Development Commission be deleted and language designating the appropriate director be substituted. I have attached my amendment to that effect.

Section 2 of the bill currently names the director of the Montana Historical Society, the director of the Department of Fish, Wildlife and Parks and the "travel director of the Department of Commerce's travel promotion and development division" as the executive branch agency representatives on the Commission. The "travel director" is not actually a "director," but rather is a division administrator position serving under the director. I recommend that, for the sake of consistency and as a matter of policy, the director of the Department of Commerce be named as the third executive branch agency representative to the Commission.

The bill does not designate a specific position inside either of the other two executive branch agencies represented on the Commission, but rather makes such a designation only within the Department of Commerce. Thus, the directors of the other two agencies are left with the discretion to determine whether the directors themselves or an appropriate designee can most appropriately serve in that role. That discretion is not similarly afforded to the director of the Department of Commerce.

You can rest assured that, in any instance where directors of executive branch agencies are designated as representatives on a commission established by the legislative branch, those directors and my office will ensure that the most appropriate executive branch officials will be tasked to serve in those positions. In this particular case, there is no doubt that the representative will be either the director or another appropriate individual from within the Travel Development and Promotion Division. I firmly believe, however, that, as a matter of consistency and policy, the decision as to which specific position or individual within an executive branch agency will be tasked with such duties is more appropriately left to my office and to my cabinet officials.

Senator Mahlum, the sponsor of the bill, is aware of and agrees with this recommended amendment.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENT  
TO SENATE BILL 80

1. Page 2, line 1

**Strike:** "and the travel director of the department of commerce's travel promotion and development division"

**Insert:** "and the director of the department of commerce"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Majority Leader Sliter moved that the House recess until 12:25 p.m. Motion carried.

House recessed at 12:07 p.m.

House reconvened at 12:25 p.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative R. Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 591** - Representative R. Brown moved consideration of **HB 591** be passed for the day. Motion carried.

**HB 617** - Representative R. Brown moved consideration of **HB 617** be placed below **HB 643** on the second reading board. Motion carried.

**HB 643** - Representative Juneau moved **HB 643** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker.

Total 75

Noes: Adams, Bales, Barrett, D. Brown, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Kasten, Lewis, Olson, K. Peterson, Rice, Somerville, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 22

Excused: None.

Total 0

Absent or not voting: Mood, Sliter, Story.

Total 3

**HB 617** - Representative Balyeat moved **HB 617** do pass. Motion failed as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Fisher, Forrester, Fuchs, Haines, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Matthews, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 47



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Noes: Andersen, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McCann, Musgrove, Newman, Noennig, Olson, Raser, Ripley, Schmidt, Schrumpf, Smith, Somerville, Tramelli, Tropila, Wanzenried, Wolery, Younkin.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 128** - Representative Dale excused at this time.

**SB 128** - Representative Laszloffy moved **SB 128** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 144** - Representative Carney moved **SB 144** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Noes: Dale.  
Total 1

Voted Absentee: Dale, No.

Excused: None.  
Total 0

Absent or not voting: Sliter.  
Total 1

**SB 321** - Representative R. Brown moved **SB 321** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Dale.  
Total 1

Voted Absentee: Dale, No.

Excused: None.  
Total 0

Absent or not voting: McKenney.  
Total 1

**SJR 17** - Representative Shockley moved consideration of **SJR 17** be placed at the bottom of the second reading board. Motion carried.

**SB 207** - Representative Ripley moved **SB 207** be concurred in.

**SB 207** - Representative Ripley moved **SB 207**, second reading copy, be amended as follows :

1. Page 2, line 22.  
**Following:** "ONLY"  
**Insert:** "only"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan,

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Clancy, E. Clark, Curtiss, Cyr, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 77

Noes: Balyeat, R. Brown, Carney, P. Clark, Dell, Gillan, Gutsche, Himmelberger, Hurdle, Kasten, Keane, Lindeen, McCann, Musgrove, Newman, Noennig, Schmidt, Steinbeisser, Story, Waddill, Waitschies.  
Total 21

Excused: Dale.  
Total 1

Absent or not voting: Buzzas.  
Total 1

Motion that **SB 207**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 577** - Representative McCann moved **HB 577** do pass.

**HB 577** - Representative McCann moved **HB 577**, second reading copy, be amended as follows :

1. Page 2, lines 15 and 16.

**Following:** "THE" on line 15

**Strike:** remainder of line 15 through "FUND" on line 16

**Insert:** "money in the motor vehicle information technology system account as provided in [section 4]"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

2. Page 2, line 19.

**Strike:** "~~DEPARTMENT OF JUSTICE'S BASE BUDGET APPROPRIATION FROM THE GENERAL FUND~~"

**Insert:** "projected revenue of the motor vehicle information technology system account, based upon the fees approved by the legislature,"

3. Page 5, line 15.

**Strike:** "~~this total~~"

**Insert:** "the \$8"

4. Page 7, line 17.

**Strike:** "~~this total~~"

**Insert:** "the \$8"

5. Page 8, line 6.

**Strike:** "\$20"

**Insert:** "\$4.5"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Jayne.

Total 1

Excused: Dale.

Total 1

Absent or not voting: Cyr.

Total 1

Motion that **HB 577**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Noes: Adams, Balyeat, R. Brown, Davies, Esp, Gallik, Himmelberger, Jayne, Kasten, Laible, Laszloffy, Rice, Vick.  
Total 13

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted.

Representative Balyeat made a substitute motion that **HB 617** be segregated from the Committee of the Whole report and the remainder of the report be adopted.

Representative Sliter moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 65

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Erickson, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzienried, Wolery.  
Total 32

Excused: Dale.  
Total 1

Absent or not voting: Laszloffy, Mood.  
Total 2

Motion that **HB 617** be segregated from the report and the report be adopted, carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus,

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Wolery.

Total 44

Excused: Dale.

Total 1

Absent or not voting: Jackson.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 598** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Musgrove, Raser, Schmidt, Smith, Tramelli.

Total 31

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 619** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Schrumpf, Shockley, Smith, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Wolery, Younkin.

Total 56

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Haines, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Walters, Whitaker, Witt, Mr. Speaker.

Total 44

Voted Absentee: Dale, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 642** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Raser.

Total 1

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/27/2001

Signed by the Speaker at 10:15 a.m., March 27, 2001: **HB 47, HB 131, HB 363, HB 374, HB 378, HB 439, HB 440, HB 519, HB 523, HB 542, HB 548, HB 551, HB 579, HJR 18.**

Delivered to the Governor for her approval at 1:00 p.m., March 27, 2001: **HB 292, HB 386.**

**APPROPRIATIONS** (Vick, Chairman):

3/27/2001

**HB 640**, introduced bill, be amended as follows:

1. Page 1, line 26.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "15%"

**Insert:** "9.5%"

2. Page 3, line 18.

**Strike:** "10"

**Insert:** "5"

3. Page 3, lines 19 through 25.

**Following:** "." on line 19

**Strike:** remainder of line 19 through "development." on line 25

**Insert:** "The board of investments may request the board of examiners to issue up to \$500 million of general obligation bonds in addition to the bonds authorized in [section 3]."

4. Page 11, line 4.

**Following:** "3."

**Insert:** "to provide debt service payments on bonds issued pursuant to [section 5],"

5. Page 17, line 3.

**Strike:** "[section 3] authorizes"

**Insert:** "[sections 3 and 5] authorize"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/27/2001

**HB 650**, introduced bill, be amended as follows:

1. Title, line 10.

**Strike:** "60-11-111" through "60-11-123,"

2. Title, line 12.

**Strike:** "60-11-120,"

3. Title, line 16 through line 17.

**Strike:** "90-2-140" on line 16 through "90-4-112," on line 17

4. Page 7, line 5 through page 9, line 3.

**Strike:** sections 11, 12, and 13 in their entirety

**Renumber:** subsequent sections

5. Page 9, line 19.

**Strike:** "60-11-120,"

6. Page 9, line 23 through line 24.

**Strike:** "90-2-140" on line 23 through "90-4-112," on line 24

And, as amended, do pass. Report adopted.

**SB 298**, be amended as follows:



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

1. Title, line 8.

**Strike:** "5"

**Insert:** "10"

2. Title, line 9 through line 11.

**Strike:** "\$200,000" on line 9 through "REPEALING" on line 11.

**Insert:** "\$400,000; AMENDING"

3. Page 2, line 4.

**Strike:** "5% "

**Insert:** "10% "

4. Page 2, line 8.

**Strike:** subsection (3) in its entirety

5. Page 2, line 10.

**Strike:** section 2 in its entirety

**Insert:** "**Section 2.** Section 28-2-2107, MCA, is amended to read:

**"28-2-2107. Exception for certain residential dwellings.** The provisions of this part do not apply to residential projects or improvements to real property intended for residential purposes that consist of four or fewer residential units with a total cost of less than \$400,000."

And, as amended, be concurred in. Report adopted.

**SB 327**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "AVAILABLE"

**Insert:** ", THE AGENCY OR POLITICAL SUBDIVISION ALREADY PROVIDES SERVICES,"

2. Page 2, line 8.

**Strike:** "exception"

**Insert:** "exceptions"

3. Page 2, line 13.

**Following:** "if"

**Insert:** ":(i)"

4. Page 2, line 15.

**Following:** "subdivision"

**Insert:** "; or

(ii) the agency or political subdivision provided services prior to July 1, 2001"

And, as amended, be concurred in. Report adopted.

**SB 340**, be concurred in. Report adopted.

**SB 405**, be concurred in. Report adopted.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**SB 445**, be amended as follows:

1. Title, page 1, line 10.

**Following:** "TRANSFER;"

**Insert:** "EXTENDING THE TERMINATION DATE FOR THE TRANSFER OF SEVERANCE TAXES TO THE RESEARCH AND COMMERCIALIZATION EXPENDABLE TRUST FUND; ALLOWING THE DIRECTOR OF THE DEPARTMENT OF COMMERCE TO BE INTERESTED IN OR TO BORROW MONEY FROM ANY STATE BANK;"

2. Title, page 1, line 16.

**Strike:** "JUSTICE"

**Insert:** "LIVESTOCK"

3. Title, page 1, line 17.

**Strike:** "JUSTICE"

**Insert:** "ADMINISTRATION"

4. Title, page 1, line 23.

**Following:** "17-6-321,"

**Insert:** "17-7-502,"

5. Title, page 2, line 13.

**Following:** "MCA"

**Insert:** ", AND SECTION 10, CHAPTER 10, SPECIAL LAWS OF MAY 2000"

6. Title, page 2, line 14.

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES AND A TERMINATION DATE"

7. Page 30, line 15.

**Strike:** "\$4"

**Insert:** "\$4.85"

8. Page 30, line 16.

**Following:** "90-3-1002"

**Strike:** "AND \$850,000 TO THE OFFICE OF THE GOVERNOR"

9. Page 40, line 20.

**Insert:** "**Section 48.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

**Renumber:** subsequent sections

10. Page 46, line 10.

**Strike:** "justice"

**Insert:** "livestock"

11. Page 46, line 11.

**Strike:** "20"

**Insert:** "31"

12. Page 53, line 1.

**Strike:** "justice"

**Insert:** "administration"

**Strike:** "2-15-2001"

**Insert:** "2-15-1001"

13. Page 54, line 20.

**Strike:** "justice"

**Insert:** "administration"

14. Page 54, line 21.

**Strike:** "2-15-2001"

**Insert:** "2-15-1001"

15. Page 55, line 2.

**Strike:** "justice"

**Insert:** "administration"

**Strike:** "2-15-2001"

**Insert:** "2-15-1001"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

16. Page 60, line 24.

**Strike:** "JUSTICE"

**Insert:** "administration"

17. Page 60, line 28.

**Strike:** "JUSTICE"

**Insert:** "administration"

18. Page 61, line 17.

**Strike:** "JUSTICE"

**Insert:** "administration"

19. Page 64, lines 5 through 6.

**Strike:** "Director and employees" on line 5

**Insert:** "Employees"

**Strike:** "The" on line 5 through "any" on line 6

**Insert:** "A"

20. Page 158, line 16.

**Following:** "~~commerce~~"

**Insert:** "of administration"

21. Page 158, line 24.

**Following:** the first "~~commerce~~"

**Insert:** "of administration"

**Following:** the second "~~commerce~~"

**Insert:** "of administration"

22. Page 158, line 27.

**Following:** "~~certified.~~"

**Insert:** "The department of administration shall report to the department of justice all manufacturer's procedures certified."

**Following:** "~~commerce~~"

**Insert:** "of administration"

23. Page 159, line 17.

**Following:** "~~commerce~~"

**Insert:** "of administration"

24. Page 159, line 20.

**Following:** "~~commerce~~"

**Insert:** "of administration"

25. Page 159, line 22.

**Following:** "~~commerce~~"

**Insert:** "of administration"

26. Page 159, line 25.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Following:** "~~certification~~."

**Insert:** "The department of administration shall notify the department of justice of any revocation or suspension of a certification."

27. Page 159, line 26.

**Following:** "~~justice~~"

**Insert:** "of administration"

28. Page 159, line 30.

**Following:** "~~commerce~~"

**Insert:** "of administration"

29. Page 160, line 8.

**Following:** "~~commerce~~"

**Insert:** "of administration"

30. Page 160, line 14.

**Following:** "~~commerce~~"

**Insert:** "of administration"

31. Page 160, line 19.

**Following:** "~~commerce~~"

**Strike:** "of administration"

32. Page 160, line 20.

**Following:** "~~commerce~~"

**Insert:** "of administration"

33. Page 160, line 23.

**Following:** "~~commerce~~"

**Insert:** "of administration"

34. Page 160, line 24.

**Following:** "~~commerce~~"

**Insert:** "of administration"

35. Page 160, line 26.

**Following:** "~~commerce~~"

**Insert:** "of administration"

36. Page 160, line 28.

**Following:** "~~commerce~~"

**Insert:** "of administration"

37. Page 161, line 1.

**Following:** "~~commerce~~"

**Insert:** "of administration"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

38. Page 161, line 2.

**Following:** "~~commerce~~"

**Insert:** "of administration"

39. Page 161, line 6.

**Following:** "~~commerce~~"

**Insert:** "of administration"

40. Page 161, line 7.

**Following:** "~~commerce~~"

**Insert:** "of administration"

41. Page 161, line 8.

**Following:** "~~commerce~~"

**Insert:** "of administration"

42. Page 161, line 11.

**Following:** "~~commerce~~"

**Insert:** "of administration"

43. Page 161, line 19.

**Following:** "~~commerce~~"

**Insert:** "of administration"

44. Page 161, line 30.

**Following:** "~~commerce~~"

**Insert:** "of administration"

45. Page 162, line 12.

**Following:** "~~commerce~~"

**Insert:** "of administration"

46. Page 162, line 14.

**Following:** "~~commerce~~"

**Insert:** "of administration"

47. Page 162, line 18.

**Following:** "~~commerce~~"

**Insert:** "of administration"

48. Page 162, line 20.

**Following:** "~~commerce~~"

**Insert:** "of administration"

49. Page 162, line 23.

**Following:** "it"

**Insert:** "of administration"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

50. Page 162, line 27.

**Following:** "commerce"

**Insert:** "of administration"

51. Page 173, line 1.

**Insert:** "Section 219. Section 10, Chapter 10, Special Laws of May 2000, is amended to read:

**"Section 10. Termination.** (1) [Section 1] terminates June 30, 2001.

(2) ~~[Sections 2 through 4] terminate~~ [Section 2] terminates June 30, ~~2005~~ 2009.

(3) [Sections 3 and 4] terminate June 30, 2005."

52. Page 173, line 5.

**Following:** "Transition."

**Insert:** "(1)"

53. Page 173.

**Following:** line 6

**Insert:** "(2) Agencies involved in the reorganization and transfer of certain governmental functions may:

(a) reallocate existing personnel across and within the involved agencies;

(b) adjust indirect cost rates commensurate with costs for central management functions; and

(c) reallocate and adjust spending authority for indirect charges to the programs of agencies involved in the reorganization."

54. Page 173, line 23.

**Strike:** "20"

**Insert:** "31"

55. Page 173, line 27.

**Strike:** "date"

**Insert:** "dates"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This act]"

**Insert:** "Except as provided in subsection (2), [this act]"

56. Page 173, line 28.

**Insert:** "(2) [Section 48] is effective June 30, 2005."

57. Page 173.

**Following:** line 28

**Insert:** "NEW SECTION. Section 225. Termination. [Section 48] terminates June 30, 2009."

And, as amended, be concurred in. Report adopted.

**SB 465**, be amended as follows:

1. Title, line 16.

**Following:** "DATES"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

2. Page 6, line 17.

**Strike:** "(a)"

3. Page 6, line 18.

**Strike:** "(i)"

**Insert:** "(a)"

4. Page 6, line 19.

**Strike:** "(21)"

**Insert:** "(22)"

5. Page 6, line 20.

**Strike:** "(ii)"

**Insert:** "(b)"

6. Page 6, line 22 through line 23.

**Strike:** subsection (b) in its entirety

7. Page 7, line 1.

**Following:** the first "is"

**Insert:** "subject to and"

8. Page 7, line 19.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "In"

**Insert:** "Except as provided in subsection (2), in"

9. Page 7, line 21.

**Strike:** "(A)"

**Insert:** "(i)"

10. Page 7, line 26.

**Strike:** "(5)(A)"

**Insert:** "(4)(a)"

11. Page 7, line 27.

**Following:** "accurate;"

**Strike:** "and"

12. Page 7, line 28.

**Strike:** "(B)"

**Insert:** "(ii)"

13. Page 7, line 29.

**Following:** " . "

**Insert:** "The notice to certificate holders required in this subsection (1)(a)(ii) is not required if the insurance institution has not had any communication, including receiving a claim, from a certificate holder since the initial or last



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

annual notice provided to the certificate holder."

14. Page 7, line 30 through page 8, line 1.

**Strike:** "(2)"

**Insert:** "(iii)"

**Strike:** "In"

**Insert:** "in"

**Strike:** "a notice" on page 7, line 30 through "provided" on page 8, line 1

15. Page 8, line 3.

**Strike:** "(A)"

**Insert:** "(A)"

16. Page 8, line 4.

**Strike:** "(B)"

**Insert:** "(B)"

17. Page 8, line 6.

**Strike:** "(3)"

**Insert:** "(b)"

18. Page 8.

**Following:** line 13

**Insert:** "(2) (a) An insurance institution is not required to meet the requirements of this section with respect to certificate holders until the insurance institution has personally identifiable information regarding the certificate holder.

(b) Until the notice requirements of subsection (1) are met, a third party administrator or other agent or representative of an insurance institution may not disclose personal information, except as allowed in 33-19-306(2)."

**Renumber:** subsequent subsections

19. Page 9, line 18.

**Following:** "(a)"

**Insert:** "except as provided in subsection (7),"

20. Page 9, line 19.

**Strike:** "(4)"

**Insert:** "(3)"

**Strike:** "A WRITTEN"

**Insert:** "an"

21. Page 9, line 21.

**Following:** "~~(2)~~"

**Insert:** "a notice must be given"

22. Page 9, line 22.

**Strike:** "(21)"

**Insert:** "(22)"

**Strike:** ", A"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Insert:** ". A"

23. Page 9, line 23.

**Strike:** "MUST BE"

**Strike:** "(5)(B)"

**Insert:** "(4)(b)"

24. Page 10, line 2.

**Strike:** "(4)"

**Insert:** "(3)"

25. Page 10, line 3.

**Strike:** "(5)(B)"

**Insert:** "(4)(b)"

26. Page 10, line 4.

**Strike:** "a person"

**Insert:** "an individual"

27. Page 10, line 16.

**Strike:** "consumer"

**Insert:** "intended recipient"

28. Page 10, line 18.

**Following:** "¿"

**Insert:** "or"

29. Page 10.

**Following:** line 21

**Insert:** "(7) An insurance institution may provide the notice required in subsection (4)(a) telephonically if an application is submitted by telephone. A telephone notice under this subsection may be in abbreviated form as provided for in subsections (4)(b)(i) through (4)(b)(iv).

(8) If a licensee is required to provide notice concerning privacy in addition to the notice required by this section, the licensee may satisfy the notice requirements in this section through the use of combined or separate notices. If more than one notice form is used, a notice containing provisions specific to Montana must conspicuously refer to any other notice form."

30. Page 10, line 26.

**Following:** "law,"

**Strike:** remainder of line 26

31. Page 10, line 28.

**Strike:** "(i)"

32. Page 10, line 29.

**Strike:** "(ii)"

**Insert:** "(b)"

**Renumber:** subsequent subsections

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

33. Page 11, line 20.

**Following:** "~~transaction~~"

**Insert:** "collected or received in connection with an insurance transaction"

34. Page 13, line 12.

**Strike:** "~~and to the commissioner~~"

**Insert:** "or to an insurance regulatory agency"

35. Page 13, line 22 and 23.

**Following:** "subpoena" on line 22

**Strike:** "~~, or~~" on line 22 through "~~request~~" on line 23

36. Page 14, line 7 through line 8.

**Strike:** "or consummated"

37. Page 16.

**Following:** line 11

**Insert:** "(21) Nothing in this section may be construed to prevent the disclosure of personal information that is otherwise discoverable pursuant to the Montana Rules of Civil Procedure."

**Renumber:** subsequent subsection

38. Page 16, line 13.

**Following:** "licensee"

**Insert:** "or insurance-support organization"

39. Page 16, line 18.

**Following:** "function."

**Insert:** "The commissioner shall adopt rules establishing the methods that must be used by licensees to prevent identification as described in subsection (14)."

40. Page 16, line 22.

**Following:** "purpose."

**Insert:** "For the purposes of this section, an insurance producer who describes to the producer's clients products or services available through the producer is not engaged in marketing."

41. Page 16, line 24.

**Following:** "insurance"

**Insert:** "products or services"

42. Page 16, line 26.

**Following:** "PRODUCTS"

**Insert:** "and services"

43. Page 16, line 28.

**Following:** "PRODUCTS"

**Insert:** "and services"

44. Page 16, line 30.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Following:** "only"

**Insert:** "products and services"

45. Page 17, line 2.

**Strike:** "LICENSEE"

**Insert:** "affiliate"

**Following:** "PRODUCTS"

**Insert:** "and services"

46. Page 17, line 4.

**Following:** "PRODUCTS"

**Insert:** "and services"

**Following:** line 4

**Insert:** "(4) A licensee may disclose personal information that is reasonably necessary to enable a person contractually engaged to provide services for or on behalf of the licensee to market insurance or financial products or services if the person agrees in writing that the person will not use or further disclose information obtained or developed pursuant to the engagement except to carry out the limited purpose of the engagement. A licensee shall adopt, maintain, and monitor policies and procedures reasonably designed to ensure that third parties with whom the licensee contracts under this subsection comply with the requirements of this section."

**Renumber:** subsequent subsection

47. Page 18, line 21.

**Following:** "Sections"

**Insert:** "4, 7(22),"

48. Page 18.

**Following:** line 21

**Insert:** "NEW SECTION. Section 15. Retroactive applicability. [Section 11(1)] applies retroactively, within the meaning of 1-2-109, to all insurance policies in force, issued, or renewed on or after January 1, 2000."

And, as amended, be concurred in. Report adopted.

**SB 469**, be amended as follows:

1. Page 2, line 1.

**Strike:** "59th"

**Insert:** "business and labor interim committee and the 58th"

And, as amended, be concurred in. Report adopted.

**SB 474**, be amended as follows:

1. Title, line 15.

**Strike:** "BODY"

2. Page 5, line 13.

**Following:** "repair"

**Insert:** "or in the business of automobile repair"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

3. Page 5, line 16.

**Following:** "repairs"

**Insert:** "or automobile repairs"

4. Page 5, line 17.

**Following:** "repairs"

**Insert:** "or automobile repairs"

5. Page 6, line 2.

**Following:** "repair"

**Insert:** "or in the business of automobile repair"

6. Page 7, line 8.

**Following:** "The"

**Insert:** "lowest"

7. Page 7, line 20.

**Following:** "the"

**Insert:** "lowest"

8. Page 8, line 7.

**Strike:** "body"

9. Page 8, line 10.

**Strike:** "body"

10. Page 8, line 28.

**Strike:** "body"

11. Page 8, line 29.

**Strike:** "body"

12. Page 9, line 2.

**Strike:** "repair"

13. Page 9, line 4.

**Strike:** "body"

14. Page 9, line 27.

**Strike:** "body"

15. Page 9, line 29.

**Strike:** "body"

16. Page 10, line 1.

**Strike:** "body"

17. Page 10, line 2.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "body"

18. Page 10, line 6.

**Strike:** "body"

And, as amended, be concurred in. Report adopted.

**SB 480**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/27/2001

**SB 57**, be concurred in. Report adopted.

**SB 319**, be amended as follows:

1. Page 4, line 29.

**Following:** "(b)"

**Insert:** "(i)"

2. Page 5, line 3.

**Strike:** "(i)"

**Insert:** "(A)"

3. Page 5, line 5.

**Strike:** "(ii)"

**Insert:** "(B)"

4. Page 5, line 8.

**Following:** "or"

**Insert:** "(ii) each pipeline, whether partially or wholly within the state, greater than 17 inches in inside diameter and 30 miles in length, and associated facilities used to transport coal suspended in water;"

And, as amended, be concurred in. Report adopted.

**SB 446**, be concurred in. Report adopted.

**SB 491**, be amended as follows:

1. Page 2, line 1.

**Following:** "(f)"

**Insert:** "intentionally"

2. Page 2, line 2.

**Following:** "."

**Insert:** "It is not a violation of this subsection (1)(f) to provide a reasonable substitute name and number that accurately identify the entity causing the call to be made and a working telephone number at which the entity's personnel can be contacted."

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 3/27/2001

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**SB 248**, be concurred in. Report adopted.  
**SB 315**, be concurred in. Report adopted.  
**SB 329**, be concurred in. Report adopted.  
**SB 420**, be concurred in. Report adopted.  
**SB 454**, be concurred in. Report adopted.  
**SB 466**, be amended as follows:

1. Page 3, line 28 through line 29.

**Strike:** "pursuant to Title 72, chapter 31, part 2"

And, as amended, be concurred in. Report adopted.

**SB 473**, be amended as follows:

1. Title, line 5.

**Following:** "VISITORS;"

**Insert:** "PROVIDING DEFINITIONS;"

2. Title, line 11.

**Following:** "2-15-211"

**Insert:** ", 53-21-102,"

3. Page 2, line 22.

**Following:** line 21

**Insert:** "Section 2. Section 53-21-102, MCA, is amended to read:

**"53-21-102. Definitions.** As used in this part, the following definitions apply:

(1) "Abuse" means any willful, negligent, or reckless mental, physical, sexual, or verbal mistreatment or maltreatment or misappropriation of personal property of any person receiving treatment in a mental health facility that insults the psychosocial, physical, or sexual integrity of any person receiving treatment in a mental health facility.

~~(1)~~(2) "Board" or "mental disabilities board of visitors" means the mental disabilities board of visitors created by 2-15-211.

~~(2)~~(3) "Commitment" means an order by a court requiring an individual to receive treatment for a mental disorder.

~~(3)~~(4) "Court" means any district court of the state of Montana.

~~(4)~~(5) "Department" means the department of public health and human services provided for in 2-15-2201.

~~(5)~~(6) "Emergency situation" means a situation in which any person is in imminent danger of death or bodily harm from the activity of a person who appears to be suffering from a mental disorder and appears to require commitment.

~~(6)~~(7) "Friend of respondent" means any person willing and able to assist a person suffering from a mental disorder and requiring commitment or person alleged to be suffering from a mental disorder and requiring commitment in dealing with legal proceedings, including consultation with legal counsel and others. The friend of respondent may be the next of kin, the person's conservator or legal guardian, if any, representatives of a charitable or religious organization, or any other person appointed by the court to perform the functions of a friend of respondent set out in this part. Only one person may at any one time be the friend of respondent within the meaning of this part. In appointing a friend of respondent, the court shall consider the preference of the respondent. The court may at any time, for good cause, change its designation of the friend of respondent.

~~(7)~~(8) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The term does not include:

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

- (a) addiction to drugs or alcohol;
- (b) drug or alcohol intoxication;
- (c) mental retardation; or
- (d) epilepsy.

~~(8)(9)~~ "Mental health facility" or "facility" means ~~a public hospital or a licensed private hospital that is equipped and staffed to provide treatment for persons with mental disorders or a community mental health center or any mental health clinic or treatment center approved by the department~~ the state hospital, the Montana mental health nursing care center, or a hospital, a mental health center, a residential treatment facility, or a residential treatment center licensed or certified by the department that provides treatment to children or adults with a mental disorder. A correctional institution or facility or jail is not a mental health facility within the meaning of this part.

(10) (a) "Neglect" means failure to provide for the biological and psychosocial needs of any person receiving treatment in a mental health facility, failure to report abuse, or failure to exercise supervisory responsibilities to protect patients from abuse and neglect.

(b) The term includes but is not limited to:

(i) deprivation of food, shelter, appropriate clothing, nursing care, or other services;

(ii) failure to follow a prescribed plan of care and treatment; or

(iii) failure to respond to a person in an emergency situation by indifference, carelessness, or intention.

~~(9)(11)~~ "Next of kin" includes but is not limited to the spouse, parents, adult children, and adult brothers and sisters of a person.

~~(10)(12)~~ "Patient" means a person committed by the court for treatment for any period of time or who is voluntarily admitted for treatment for any period of time.

~~(11)(13)~~ "Peace officer" means any sheriff, deputy sheriff, marshal, police officer, or other peace officer.

~~(12)(14)~~ "Professional person" means:

(a) a medical doctor; or

(b) a person who has been certified, as provided for in 53-21-106, by the department.

~~(13)(15)~~ "Reasonable medical certainty" means reasonable certainty as judged by the standards of a professional person.

~~(14)(16)~~ "Respondent" means a person alleged in a petition filed pursuant to this part to be suffering from a mental disorder and requiring commitment.

~~(15)(17)~~ "State hospital" means the Montana state hospital.""

**Renumber:** subsequent sections

4. Page 3, line 19.

**Following:** "report"

**Insert:** "within 30 calendar days of the completion of each mental health facility inspection"

5. Page 4, line 1.

**Following:** "not"

**Insert:** "either"

**Following:** "recommendations"

**Insert:** "or provided a specific rationale that explains why any recommendations cannot be implemented"

6. Page 4, line 7.

**Following:** "shall"

**Insert:** "review all aspects of the treatment of persons admitted to mental health facilities and"

**Strike:** "special"

**Following:** "procedures"

**Insert:** "that involve behavior control"



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Following:** "of"

**Insert:** "any type of"

7. Page 4, line 8.

**Following:** "seclusion"

**Insert:** "or isolation"

8. Page 4, line 10.

**Strike:** "special"

**Following:** "procedures"

**Insert:** "described in subsection (4)(b)"

9. Page 4, line 17.

**Strike:** "special"

**Following:** "procedures"

**Insert:** "described in subsection (4)(b)"

10. Page 5, line 8.

**Following:** line 7

**Insert:** "(8) The board shall publish standards for its inspections of mental health facilities."

**Renumber:** subsequent subsection

11. Page 5, line 17.

**Strike:** "mistreatment, neglect, or"

**Following:** "abuse"

**Insert:** "or neglect"

12. Page 5, line 19.

**Following:** line 18

**Insert:** "(2) Each mental health facility shall publish policies and procedures that define the facility's guidelines for detecting, reporting, investigating, determining the validity, and resolving allegations of abuse or neglect."

**Renumber:** subsequent subsections

13. Page 5, line 19.

**Strike:** "mistreatment,"

**Following:** "abuse"

**Strike:** ", "

14. Page 5, line 22 and line 23.

**Following:** "allegation"

**Strike:** remainder of line 22 through "hours" on line 23

**Insert:** "by the end of the next business day"

15. Page 5, line 24.

**Strike:** "mistreatment,"

**Following:** "abuse"

**Strike:** ", "

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

16. Page 5, line 27.

**Strike:** "mistreatment,"

17. Page 5, line 28.

**Following:** "abuse"

**Strike:** ", "

18. Page 5, line 29.

**Strike:** "mistreatment,"

**Following:** "abuse"

**Strike:** ", "

19. Page 5, line 30.

**Strike:** "within 24 hours of"

**Insert:** "as soon as possible after"

**Following:** "incident"

**Insert:** ", but not later than by the end of the next business day. Initiation of each investigation may not be delayed in any way that adversely affects the efficacy of the investigation"

20. Page 6, line 2.

**Strike:** "mistreatment,"

**Following:** "abuse"

**Strike:** ", "

21. Page 6, line 3.

**Strike:** "10 working days of"

**Insert:** "the minimum period of time necessary to gather the information relative to each allegation and to come to a conclusion following"

22. Page 6, line 5.

**Strike:** "mistreatment,"

**Following:** "abuse"

**Strike:** ", "

23. Page 6, line 6.

**Strike:** "mistreatment,"

**Following:** "abuse"

**Strike:** ", "

24. Page 6, line 10.

**Strike:** "mistreatment,"

**Following:** "abuse"

**Strike:** ", "

25. Page 6, line 13.

**Strike:** "(6)(a)"

**Insert:** "(7)(a)"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

26. Page 6, line 14.

**Strike:** "(6)(e)"

**Insert:** "(7)(e)"

27. Page 6, line 17.

**Strike:** "3"

**Insert:** "4"

28. Page 6, line 19.

**Strike:** "3"

**Insert:** "4"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/27/2001

**HB 69**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "FEES,"

**Insert:** "AND"

2. Title, lines 6 and line 7.

**Following:** "PROCEDURES" on line 6

**Strike:** ", AND THE SMALL MINER EXEMPTION PROVISIONS" on lines 6 and line 7

3. Title, line 9.

**Strike:** "82-4-305,"

4. Page 1, line 15 through page 8, line 27.

**Strike:** sections 1 and 2 in their entirety

**Insert:** "**Section 1.** Section 82-4-303, MCA, is amended to read:

"**82-4-303. Definitions.** As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Abandonment of surface or underground mining" may be presumed when it is shown that continued operation will not resume.

(2) "Amendment" means a change to an approved operating or reclamation plan. A major amendment is an amendment that may significantly affect the human environment. A minor amendment is an amendment that will not significantly affect the human environment.

(3) "Board" means the board of environmental review provided for in 2-15-3502.

(4) "Cyanide ore-processing reagent" means cyanide or a cyanide compound used as a reagent in leaching operations.

(5) "Department" means the department of environmental quality provided for in 2-15-3501.

(6) "Disturbed land" means the area of land or surface water that has been disturbed, beginning at the date of the issuance of the permit. The term includes the area from which the overburden, tailings, waste materials, or minerals have been removed and tailings ponds, waste dumps, roads, conveyor systems, load-out facilities, leach dumps, and all similar excavations or coverings that result from the operation and that have not been previously reclaimed under the reclamation plan.

(7) "Exploration" means:

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

(a) all activities that are conducted on or beneath the surface of lands and that result in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization in those lands, if any, other than mining for production and economic exploitation; and

(b) all roads made for the purpose of facilitating exploration, except as noted in 82-4-310.

(8) "Mineral" means any ore, rock, or substance (other than oil, gas, bentonite, clay, coal, sand, gravel, peat, soil materials, or uranium) that is taken from below the surface or from the surface of the earth for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or processing or for stockpiling for future use, refinement, or smelting.

(9) "Mining" commences when the operator first mines ores or minerals in commercial quantities for sale, beneficiation, refining, or other processing or disposition or first takes bulk samples for metallurgical testing in excess of aggregate of 10,000 short tons.

(10) "Ore processing" means milling, heap leaching, flotation, vat leaching, or other standard hard-rock mineral concentration processes.

(11) "Person" means any person, corporation, firm, association, partnership, or other legal entity engaged in exploration for or mining of minerals on or below the surface of the earth, reprocessing of tailings or waste materials, or operation of a hard-rock mill.

(12) "Placer deposit" means:

(a) naturally occurring, scattered or unconsolidated valuable minerals in gravel, glacial, eolian, colluvial, or alluvial deposits lying above bedrock; or

(b) all forms of deposit except veins of quartz and other rock in place.

(13) "Placer or dredge mining" means the mining of minerals from a placer deposit by a person or persons.

(14) "Reclamation plan" means the operator's written proposal, as required and approved by the department, for reclamation of the land that will be disturbed. The proposal must include, to the extent practical at the time of application for an operating permit:

(a) a statement of the proposed subsequent use of the land after reclamation;

(b) plans for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed and the proposed method of accomplishment;

(c) the manner and type of revegetation or other surface treatment of disturbed areas;

(d) procedures proposed to avoid foreseeable situations of public nuisance, endangerment of public safety, damage to human life or property, or unnecessary damage to flora and fauna in or adjacent to the area;

(e) the method of disposal of mining debris;

(f) the method of diverting surface waters around the disturbed areas when necessary to prevent pollution of those waters or unnecessary erosion;

(g) the method of reclamation of stream channels and stream banks to control erosion, siltation, and pollution;

(h) maps and other supporting documents that may be reasonably required by the department; and

(i) a time schedule for reclamation that meets the requirements of 82-4-336.

(15) (a) "Small miner" means a person, firm, or corporation that engages in mining activity that is not exempt from this part pursuant to 82-4-310, that engages in the business of reprocessing of tailings or waste materials, or, except as provided in 82-4-310, that knowingly allows other persons to engage in mining activities on land owned or controlled by the person, firm, or corporation; that does not hold an operating permit under 82-4-335 except for a permit issued under 82-4-335(2) or a permit that meets the criteria of subsection (15)(c); and that conducts:

(i) an operation that results in not more than 5 acres of the earth's surface being disturbed and unreclaimed; or

(ii) two operations that disturb and leave unreclaimed less than 5 acres for each operation if the respective mining properties are:

(A) the only operations engaged in by the person, firm, or corporation; and

(B) at least 1 mile apart at their closest point.

(b) For the purpose of this definition only, the department shall, in computing the area covered by the operation:

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

(i) exclude access or haulage roads that are required by a local, state, or federal agency having jurisdiction over that road to be constructed to certain specifications if that public agency notifies the department in writing that it desires to have the road remain in use and will maintain it after mining ceases; and

(ii) exclude access roads for which the person, firm, or corporation submits a bond to the department in the amount of the estimated total cost of reclamation along with a description of the location of the road and the specifications to which it will be constructed.

(c) A small miner may hold an operating permit that allows disturbance of 100 acres or less. The permit may be amended to add new disturbance areas, but the total area permitted for disturbance may not exceed 100 acres at any time.

(16) "Soil materials" means earth material found in the upper soil layers that will support plant growth.

(17) (a) "Surface mining" means all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits exposed, including but not limited to open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and all similar methods by which earth or minerals exposed at the surface are removed in the course of mining.

(b) Surface mining does not include the extraction of oil, gas, bentonite, clay, coal, sand, gravel, peat, soil materials, or uranium or excavation or grading conducted for onsite farming, onsite road construction, or other onsite building construction.

(18) "Underground mining" means all methods of mining other than surface mining.

(19) "Unit of surface-mined area" means that area of land and surface water included within an operating permit actually disturbed by surface mining during each 12-month period of time, beginning at the date of the issuance of the permit. The term includes the area from which overburden or minerals have been removed, the area covered by mining debris, and all additional areas used in surface mining or underground mining operations that by virtue of mining use are susceptible to erosion in excess of the surrounding undisturbed portions of land.

(20) "Vegetative cover" means the type of vegetation, grass, shrubs, trees, or any other form of natural cover considered suitable at time of reclamation.""

**Renumber:** subsequent sections

5. Page 14, line 11.

**Strike:** "(a)"

6. Page 14, line 17.

**Strike:** "i."

7. Page 14, line 18.

**Strike:** "(i)"

8. Page 14, line 20 through line 23.

**Strike:** "i" on line 20 through "(1)(a)(i)" on line 23

9. Page 14, line 24.

**Strike:** "(b)"

10. Page 14.

**Following:** line 26

**Insert:** "(2) The department may calculate one or more reclamation plan components within its jurisdiction with the assistance of one or more objective contractors selected jointly by the department and the mine operator and compensated by the mine operator when, based on relevant past experience, the department determines that additional expertise is necessary to calculate the bond amount for reclamation plan components. The

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

department may contract for assistance pursuant to this subsection in determining bond amounts for the initial bond and for any subsequent bond review and adjustment."

**Renumber:** subsequent subsections

11. Page 15, line 13.

**Following:** "issuance"

**Insert:** "of the final bond determination. If the licensee or permittee demonstrates, through the exercise of reasonable diligence, that the licensee or permittee will not be able to post the bond within 30 days, the department shall grant a reasonable extension of the deadline"

12. Page 15, line 28.

**Strike:** "With" through "all"

**Insert:** "All"

13. Page 16, line 1 through line 2.

**Strike:** "With" on line 1 through "only" on line 2

**Insert:** "Only"

14. Page 16, line 7 through line 14.

**Strike:** subsection (7) in its entirety

**Insert:** "(8) (a) If the department determines that there exists at an area permitted or licensed under this part an imminent danger to public health, safety, or the environment caused by a violation of this part, the rules adopted pursuant to this part, or the permit or license, and if the permittee or licensee fails or refuses to expeditiously abate the danger, the department may immediately suspend the permit or license, enter the site, and abate the danger. The department may thereafter institute proceedings to revoke the license or permit, declare the permittee or licensee in default, and forfeit a portion of the bond, not to exceed \$150,000 or 10% of the bond, whichever is less, to be used to abate the danger. The department shall notify the surety of the forfeiture and the forfeiture amount by certified mail, and the surety shall pay the forfeiture amount to the department within 30 days of receipt of the notice. The department shall, as a condition of any termination of the suspension and revocation proceedings, require that the permittee or licensee reimburse the surety, with interest, for any amount paid to and expended by the department pursuant to this subsection (8).

(b) If the department is unable to permanently abate the imminent danger using the amount forfeited under subsection (8)(a), the department may forfeit additional amounts under the procedure provided in subsection (8)(a).

(c) The department shall return to the surety any money received from the surety pursuant to this subsection and not used by the department to abate the imminent danger. The amount not returned to the surety must be credited to the surety and reduces the penal amount of the bond on a dollar-for-dollar basis."

15. Page 18, line 3 through line 7.

**Strike:** "However," on line 3 through "period," on line 7

16. Page 18, line 21.

**Following:** "lands"

**Insert:** "according to the existing reclamation plan or a modified reclamation plan if the department makes a written finding that the modifications are necessary to prevent a violation of Title 75, chapter 2 or 5, or to prevent a substantial reclamation failure"

17. Page 20, line 23.

**Strike:** " \_\_ Bill No. \_\_ [LC287]"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Insert:** "Senate Bill No. 449"

18. Page 20, line 25.

**Strike:** "3 and 11"

**Insert:** "2 and 10"

19. Page 21.

**Following:** line 6

**Insert:** "NEW SECTION. Section 15. Applicability. Sections 82-4-303(6) and 82-4-338(8) apply to licenses and permits issued after [the effective date of this act] and to permits issued before [the effective date of this act] that are in effect on [1 year after the effective date of this act]."

And, as amended, do pass. Report adopted.

**SB 449**, be amended as follows:

1. Page 2, line 28.

**Following:** "locate"

**Strike:** "an owner"

**Insert:** "a surety or other person who owns the funds"

2. Page 3, line 11.

**Following:** "locate"

**Strike:** "an owner"

**Insert:** "a surety or other person who owns the funds"

3. Page 4, line 4.

**Following:** "locate"

**Strike:** "an owner"

**Insert:** "a surety or other person who owns the funds"

And, as amended, be concurred in. Report adopted.

**SB 455**, be amended as follows:

1. Title, line 6.

**Following:** "76-3-301,"

**Strike:** "AND"

**Following:** "76-3-302,"

**Insert:** "AND 76-4-122,"

2. Page 2.

**Following:** line 25

**Insert:** "**Section 4.** Section 76-4-122, MCA, is amended to read:

**"76-4-122. Filing or recording of noncomplying map or plat prohibited.** (1) The county clerk and recorder may not file or record any map or plat showing a subdivision unless it complies with the provisions of this part.

(2) ~~✶~~ Except when a subdivision is in a location in which the state does not have jurisdiction, a county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

(a) whenever reviewing authority approval is necessary, the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and has filed the approval with the reviewing authority, and the reviewing authority has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the subdivision is not subject to a sanitary restriction; or

(b) whenever reviewing authority approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside the jurisdictional area of a growth policy adopted pursuant to chapter 1 of this title or within a class 1 or class 2 municipality and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste.""

**Renumber:** subsequent sections

3. Page 2.

**Following:** line 29

**Insert:** "NEW SECTION. Section 6. Coordination instruction. If Senate Bill No. 167 is passed and approved and if it includes a section that amends 76-4-122 to allow a county clerk and recorder to file or record a plat without approval by the reviewing authority when the subdivision is exempt from review, then [section 4 of this act], amending 76-4-122, is void."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 484**, be amended as follows:

1. Page 1, line 16 through line 17.

**Following:** "fund" on line 16

**Strike:** remainder of line 16 through "bonds" on line 17

**Insert:** "money"

2. Page 1, line 20.

**Following:** "the"

**Insert:** "annual"

**Following:** "requirements in"

**Strike:** "subsection (2)"

**Insert:** "[section 2]"

3. Page 1, line 27.

**Following:** "mines"

**Strike:** "that"

**Insert:** "upon certification by the director of the department that the reclamation, operation, or maintenance"

4. Page 3, line 8.

**Following:** "occur"

**Strike:** "because"

**Insert:** "when the director of the department determines that"

5. Page 3, line 18.

**Following:** "excess"

**Strike:** "bond debt service money"

**Insert:** "money transferred from the hard-rock mining reclamation debt service fund"



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

And, as amended, be concurred in. Report adopted.

**SJR 13**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

3/27/2001

**HJR 38**, be adopted. Report adopted.

**SB 210**, be concurred in. Report adopted.

**SB 249**, be amended as follows:

1. Title, page 1, line 7.

**Following:** " ; "

**Insert:** "PROVIDING FOR A REPORT TO THE STATE ADMINISTRATION, PUBLIC RETIREMENT SYSTEMS, AND VETERANS' AFFAIRS INTERIM COMMITTEE;"

2. Page 2, line 18 through line 21.

**Strike:** section 4 in its entirety

**Insert:** "NEW SECTION. Section 4. Report on space leased by state agencies. (1) The department shall biennially compile and publish a report, including:

- (a) a listing of any new leases by state agencies for 10,000 square feet of space or more;
- (b) which of the new leases were located in downtown areas and which were not; and
- (c) for the leases not located in downtown areas, the reasons why.

(2) The department shall biennially present the report to the state administration, public retirement systems, and veterans' affairs interim committee provided for in 5-5-228."

And, as amended, be concurred in. Report adopted.

**SB 433**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "SECTIONS"

**Insert:** "17-3-211,"

**Following:** "17-3-312"

**Insert:** " , "

2. Page 1.

**Following:** line 12

**Insert:** "**Section 1.** Section 17-3-211, MCA, is amended to read:

"**17-3-211. Forest reserve money and other federal funds.** (1) The state treasurer, for the purpose of carrying out the provisions of 16 U.S.C. 500, Public Law 106-393, and all acts subsequent ~~thereto to them~~, shall divide and distribute all forest reserve and Public Law 106-393 ~~moneys funds~~ received by the state ~~thereunder~~, plus interest earned, to and among the several counties entitled ~~thereto to the funds~~ and pay the ~~same amounts~~ to the several county treasurers of ~~such the~~ counties within 30 days after receiving full payment ~~of the same~~, as directed by the state auditor.

(2) The forest reserve money and the Public Law 106-393 money ~~shall must~~ be invested and all investment earnings credited to the forest reserve account or the Public Law 106-393 account, as appropriate."

**Renumber:** subsequent sections

3. Page 1, line 15.

**Following:** "**funds**"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Insert:** "and other federal funds"

**Following:** "funds"

**Insert:** ", all Public Law 106-393 funds,"

4. Page 1, line 17.

**Following:** "funds"

**Insert:** ", all Public Law 106-393 funds,"

5. Page 1, line 19.

**Following:** "law"

**Insert:** "and this section"

6. Page 1, line 24.

**Following:** "funds"

**Insert:** "and other federal funds"

7. Page 1, line 27.

**Strike:** "(5)"

**Insert:** "(4)"

**Following:** "funds"

**Insert:** "and Public Law 106-393 funds"

8. Page 1, line 28.

**Following:** "treasurer"

**Insert:** "pursuant to this section"

9. Page 2, line 1.

**Following:** "500."

**Insert:** "all"

10. Page 2, line 2.

**Strike:** "(6)"

**Insert:** "(5)"

11. Page 2, line 3 through line 18.

**Strike:** line 3 through line 18 in their entirety

**Insert:** "(3) (a) Except as provided in subsection (4), if a county elects to receive the county's full payment under Public Law 106-393, a minimum of 80% up to a maximum of 85% of the county's full payment must be designated by the county for distribution as provided in subsection (5).

(b) The balance not distributed pursuant to subsection (3)(a) may be allocated by the county in accordance with Public Law 106-393.

(4) If a county's full payment is less than \$100,000, the county may elect to distribute up to 100% of the payment as provided in subsection (5).

(5) The total amount designated by a county in accordance with subsection (3)(a) or (4) must be distributed as follows:"

**Renumber:** subsequent subsections

12. Page 2, line 19.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "total"  
**Strike:** "received"  
**Insert:** "designated"

13. Page 2, line 20.  
**Strike:** "total sum received"  
**Insert:** "amount designated"

14. Page 2, line 25.  
**Strike:** "(6)(b)"  
**Insert:** "(5)(b)"

15. Page 2, line 28.  
**Strike:** "this section"  
**Insert:** "subsection (5)(b)"

16. Page 2, line 30.  
**Strike:** "(6)(b)"  
**Insert:** "(5)(b)"

17. Page 3, line 2.  
**Strike:** "of the total amount received"  
**Insert:** "distributed under subsection (5)(b)"

And, as amended, be concurred in. Report adopted.

**SB 443**, be amended as follows:

1. Title, page 1, line 5.  
**Strike:** "STATE PUBLIC DOCUMENTS AND"  
**Following:** "LOCAL"  
**Insert:** "GOVERNMENT"

2. Title, lines 7 and 8.  
**Strike:** "1" on line 7 through "RULES" on line 8  
**Insert:** "; EXPANDING THE MEMBERSHIP OF THE LOCAL GOVERNMENT RECORDS COMMITTEE; AND AMENDING SECTION 2-6-402, MCA"

3. Page 1, line 12 through page 2, line 2.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

4. Page 2, line 5.  
**Strike:** "EXEMPTION -- RULEMAKING"  
**Insert:** "central registry -- notification"

5. Page 2, lines 16 through 22.  
**Strike:** subsections (4) and (5) in their entirety

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

6. Page 2.

**Following:** line 22

**Insert:** "(d) The local government records committee shall develop and maintain a central registry of the entities identified in subsection (1) who are interested in receiving notice of the potential destruction of public records pursuant to this section. The registry must be constructed to allow a local government entity to notify the local government records committee when the entity intends to destroy documents covered under this section and that allows the local government records committee to subsequently notify the entities in the registry. A local government entity's notice to the local government records committee pursuant to this subsection and the record committee's notice to the entities listed on the registry fulfills the notification requirements of this section."

7. Page 2.

**Following:** line 22

**Insert:** "Section 2. Section 2-6-402, MCA, is amended to read:

**"2-6-402. Local government records committee -- creation.** (1) There is a local government records committee.

(2) The committee consists of the following ~~seven~~ eight members:

(a) the state archivist;

(b) the state records manager;

(c) a representative of the department of commerce;

(d) two local records custodians, appointed by the director of the Montana historical society; ~~and~~

(e) two additional local records custodians, appointed by the secretary of state; and

(f) a citizen representing the Montana state genealogical society, appointed by the secretary of state, who shall serve as a volunteer.

(3) Committee members subject to appointment shall hold office for a period of 2 years beginning on January 1 of the year following their appointment.

(4) Any vacancies must be filled in the same manner that they were filled originally.

(5) The committee shall elect a presiding officer and a vice presiding officer.

(6) The committee shall meet twice a year upon the call of the secretary of state or the presiding officer.

(7) ~~Members~~ Except as provided in subsection (2)(f), members of the committee not serving as part of their compensated government employment must be compensated in accordance with 2-18-501 through 2-18-503 for each day in committee attendance. Members who serve as part of their compensated government employment may not receive additional compensation, but the employing governmental entity shall furnish, in accordance with the prevailing per diem rates, a reasonable allowance for travel and other expenses incurred in attending committee meetings.""

**Renumber:** subsequent section

8. Page 2, line 24 through line 26.

**Strike:** "subsection (1) in its entirety"

9. Page 2, line 27.

**Strike:** "(2)"

10. Page 2, line 27 and 28.

**Following:** "[section"

**Strike:** "2"

**Insert:** "1"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

And, as amended, be concurred in. Report adopted.

**SB 472**, be amended as follows:

1. Title, page 1, line 12 through line 17.

**Strike:** "REQUIRING" on line 12 through "PETITIONERS" on line 17

**Insert:** "REQUIRING THE LEGISLATIVE SERVICES DIVISION TO REVIEW PETITIONS"

2. Title, page 1, line 17.

**Strike:** "MAY"

3. Title, page 1, line 20 through line 24.

**Strike:** "AS TO" on line 20 through "ANALYST" on line 24

**Insert:** "UNADDRESSED BY THE PERSON SUBMITTING THE PETITION"

4. Page 2, line 8.

**Strike:** "sixth"

**Insert:** "fourth"

5. Page 2, line 9.

**Following:** "people."

**Insert:** "This requirement does not apply to the text of the proposed measure that is submitted to the secretary of state pursuant to 13-27-202(1)."

6. Page 2, lines 23 through 25.

**Strike:** "However" on line 23 through "13-27-204." on line 25

7. Page 3, line 12.

**Strike:** "petition"

**Insert:** "text of proposed ballot measure"

8. Page 3, line 13.

**Following:** "division --"

**Insert:** "submission of petition to secretary of state --"

9. Page 3, line 14.

**Strike:** "-- determination of legal sufficiency"

10. Page 3, line 16.

**Following:** "signatures"

**Insert:** "and printed names and addresses corresponding to the signatures"

11. Page 3, line 17.

**Following:** "state."

**Insert:** "The page on which the signatures appear must be attached to a notarized affidavit signed by the person collecting the signatures. The affidavit must include the following statement above the signature of the person collecting the signatures, to which that person must swear: "I, (insert the name of person who collected the signatures), swear that I collected or assisted in collecting the signatures on the page(s) to which this affidavit

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

is attached and that I believe the signatures on the page(s) are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the addresses following their signatures. I also swear that the signers knew that the purpose of signing the page(s) was to submit a ballot measure petition on the subject of (insert the purpose of the proposed ballot measure) to the Montana secretary of state, the legislative services division, and the attorney general for review and approval.""

12. Page 3, line 18 through line 19.

**Strike:** "a petition complying with this subsection (1)(a)"

**Insert:** "the text of the proposed measure"

13. Page 3, line 20.

**Strike:** "a"

**Insert:** "the text of the"

14. Page 4.

**Following:** line 4

**Insert:** "(e) If a recommendation concerning the legality of the substance or purpose of the text of the proposed measure is made by the legislative services division and the recommendation is rejected or not responded to by the person submitting the petition within 14 days after the initial response to that person by the legislative services division, the legislative services division shall certify a statement to the secretary of state concerning that rejection or lack of response. The statement by the legislative services division must be certified to the secretary of state within 30 days of the receipt of the petition by the legislative services division, must be published by the secretary of state as provided in 13-27-311, and must appear on the ballot as provided in 13-27-204."

15. Page 4, line 7 through line 9.

**Strike:** "A COPY" on line 7 through "13-27-312(2)." on line 9

16. Page 4, line 11.

**Following:** "measure"

**Insert:** ", as written in consultation with the legislative services division as provided in this section and after expiration of the time provided in this section for response to the legislative services division's recommendation,"

17. Page 4, line 12.

**Strike:** "14"

**Insert:** "13"

18. Page 4, line 27.

**Following:** "~~voters~~:"

**Insert:** "Review of a petition by the attorney general for legal sufficiency does not include consideration of the merits or application of the measure if adopted by the voters."

19. Page 5, lines 3 and 4.

**Strike:** "opinion of the attorney general"

**Insert:** "recommendations of the legislative services division"

20. Page 5, line 4.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "attorney general's"

**Insert:** "legislative services division's"

21. Page 5, line 5.

**Strike:** "13-27-312"

**Insert:** "this section"

22. Page 5, line 7.

**Strike:** "71"

**Insert:** "36"

23. Page 5, line 18 through line 19.

**Strike:** "any" on line 18 through "statement," on line 19

24. Page 6, line 9.

**Strike:** "attorney general" through "BETWEEN THE"

25. Page 6, line 10.

**Strike:** "AND THE PETITIONER REGARDING legal sufficiency ("

**Insert:** "has reviewed the petition for"

26. Page 6, line 11.

**Strike:** "2"

**Strike:** "attorney general"

**Insert:** "legislative services division"

27. Page 6, line 12.

**Strike:** "13-27-312(2)"

**Insert:** "13-27-202"

28. Page 7, line 9.

**Strike:** "attorney general" through "BETWEEN THE"

29. Page 7, line 10.

**Strike:** "AND THE PETITIONER REGARDING legal sufficiency ("

**Insert:** "has reviewed the petition for"

30. Page 7, line 11.

**Strike:** "2"

**Strike:** "attorney general"

**Insert:** "legislative services division"

31. Page 7, line 12.

**Strike:** "13-27-312(2)"

**Insert:** "13-27-202"

32. Page 8, line 12.

**Strike:** "attorney general" through "BETWEEN THE"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

33. Page 8, line 13.

**Strike:** "AND THE PETITIONER REGARDING legal sufficiency ("

**Insert:** "has reviewed the petition for"

34. Page 8, line 14.

**Strike:** ")"

**Strike:** "attorney general"

**Insert:** "legislative services division"

35. Page 8, line 15.

**Strike:** "13-27-312(2)"

**Insert:** "13-27-202"

36. Page 8, line 30.

**Strike:** "11"

**Insert:** "10"

37. Page 11, line 5.

**Strike:** "draft"

38. Page 11, lines 5 and 6.

**Strike:** "1" on line 5 through "hearing" on line 6

**Insert:** "and implication, statement by legislative services division, and fiscal statement"

39. Page 11, line 7 through line 11.

**Strike:** "(1)" on line 7 through "analyst." on line 11

**Insert:** "(1) Within 3 days after the receipt of the statements of purpose and implication from the attorney general and the statement of fiscal impact from the legislative fiscal analyst pursuant to 13-27-312, the secretary of state shall publish a notice of the completion of the statement of purpose and statement of implication provided by the attorney general and the fiscal statement provided by the legislative fiscal division. The secretary of state shall also publish the statement certified by the legislative services division pursuant to 13-27-202, if any. The notice must contain the text of those statements and the text of the fiscal impact analysis."

40. Page 11, line 13 through line 20.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) The secretary of state shall also publish on the internet the notices required to be published by subsection (1)."

41. Page 12, line 2 through line 3.

**Following:** "statement"

**Strike:** "--"

**Strike:** "determination" on line 2 through "sufficiency" on line 3

42. Page 12, line 4.

**Following:** "13-27-202"

**Insert:** "(3)"

43. Page 12, line 22 through line 25.



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "IF" on line 22 through "STATE." on line 25

44. Page 12, line 25.

**Strike:** "attorney general"

**Insert:** "legislative services division"

45. Page 12, line 26.

**Following:** the first "state"

**Insert:** "pursuant to 13-27-202"

46. Page 12, line 27.

**Strike:** "attorney general"

**Insert:** "legislative services division"

47. Page 13, lines 6 and 8.

**Strike:** "draft" on line 6 and line 8

48. Page 13, line 9.

**Strike:** "final version of the"

49. Page 13.

**Following:** line 28

**Insert:** "(10) If a statement is certified by the legislative services division to the secretary of state pursuant to 13-27-202, the secretary of state shall provide a copy of the statement and a copy of the correspondence between the legislative services division and the petitioner to the committees appointed pursuant to 13-27-403."

50. Page 14, line 20.

**Following:** "or"

**Insert:** ", legislative services division,"

**Following:** "statements"

**Insert:** "-- review of attorney general opinion"

51. Page 14, lines 22 and 23.

**Strike:** ", the statement certified by the attorney general pursuant to 13-27-312(2)."

52. Page 14, line 24.

**Following:** "requirements of"

**Insert:** "13-27-202 or"

53. Page 14, line 27.

**Strike:** "final"

54. Page 15, line 10 through line 19.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

55. Page 15, line 20.

**Strike:** "or (2)"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

56. Page 15, line 21 through line 22.

**Strike:** ", upon" on line 21 through "analyst" on line 22

**Insert:** "and upon each office that has provided a statement to the secretary of state for printing on a petition and publication by the secretary of state"

57. Page 16, line 5 through line 23.

**Strike:** section 14 in its entirety

**Renumber:** subsequent sections

58. Page 16, line 29.

**Strike:** "and"

**Insert:** ", any"

**Strike:** "attorney general"

**Insert:** "legislative services division"

59. Page 16, line 30.

**Strike:** "13-27-312(2)"

**Insert:** "13-27-202"

60. Page 17, line 6 through line 11.

**Strike:** "1" on line 6 through "law" on line 11

61. Page 17, line 11.

**Strike:** "attorney general"

**Insert:** "legislative services division"

62. Page 17, line 12.

**Strike:** "13-27-312"

**Insert:** "13-27-202"

63. Page 18, line 30.

**Strike:** "Misdemeanor to knowingly submit"

**Insert:** "Civil penalty for submission of"

64. Page 19, line 3 through line 4.

**Strike:** "guilty" on line 3 through "law" on line 4

**Insert:** "subject to a civil penalty of \$500"

65. Page 19, line 21 through line 23.

**Strike:** subsection (1) in its entirety

66. Page 19, line 24.

**Strike:** "(2)"

**Strike:** "18"

**Insert:** "17"

67. Page 19, line 25.

**Strike:** "18"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Insert:** "17"

68. Page 20, line 4.

**Strike:** "19, 20"

**Insert:** "18, 19"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

3/27/2001

**HB 58**, introduced bill, be amended as follows:

1. Title, page 1, line 4 and line 5.

**Strike:** "PROVIDING" on line 4 through "FUND;" on line 5

2. Title, page 1, line 6.

**Strike:** "36"

**Insert:** "56"

3. Title, page 1, line 7.

**Strike:** "25"

**Insert:** "50"

4. Title, page 1, line 7 through line 9.

**Strike:** "ALLOCATING" on line 7 through "FUND" on line 9

**Insert:** "PROVIDING THAT REVENUE FROM THE INCREASED TAXES BE TEMPORARILY ALLOCATED  
FOR FUNDING K-12 EDUCATION; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO  
THE QUALIFIED ELECTORS OF MONTANA AT A SPECIAL ELECTION"

5. Title, line 10.

**Following:** "EFFECTIVE DATE"

**Insert:** ", "

**Strike:** "AND"

**Following:** "APPLICABILITY DATE"

**Insert:** ", AND A TERMINATION DATE"

6. Page 1, line 17.

**Strike:** "36"

**Insert:** "56"

7. Page 2, line 19 and line 20.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

8. Page 2, line 21.

**Strike:** "5.8%"

**Insert:** "3.6%"

9. Page 2, line 24.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "41.2% "

**Insert:** "91.3% "

10. Page 2, line 25.

**Following:** "fund"

**Insert:** "[for the purposes of funding K-12 basic entitlements and per-ANB entitlements]"

11. Page 2, line 26.

**Strike:** "8% "

**Insert:** "5.1% "

12. Page 3, line 8.

**Strike:** "25% "

**Insert:** "50% "

13. Page 3, line 16.

**Strike:** "following amounts:"

**Insert:** "general fund. [Fifty percent of the tax deposited in the general fund must be used for the purposes of funding K-12 basic entitlements and per-ANB entitlements.]"

14. Page 3, line 17 through line 19.

**Strike:** lines 17 through 19 in their entirety

15. Page 3.

**Following:** line 21

**Insert:** "NEW SECTION. Section 5. Transition. All wholesalers, distributors, and retailers shall pay the difference in tax between the former tax rate and the new tax rate on all inventory subject to tax held by them on July 1, 2002, that exceeds all inventory subject to tax held by them on the last day of their most recently concluded income tax reporting year."

**Renumber:** subsequent sections

16. Page 3, line 24.

**Strike:** "[this act]"

**Insert:** "this act"

17. Page 3, line 27.

**Strike:** "[This act]"

**Insert:** "If approved by the electorate, this act"

**Strike:** "2001"

**Insert:** "2002"

18. Page 3, line 29.

**Strike:** "2001"

**Insert:** "2002"

19. Page 3.

**Following:** line 29

**"NEW SECTION. Section 8. Termination.** The bracketed language in [sections 2 and 4] terminates June

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

30, 2003.

**Insert:** "NEW SECTION. Section 9. Submission to electorate. This act shall be submitted to the qualified electors of Montana at a special election to be held in November 2001 by printing on the ballot the full title of this act and the following:

☐ FOR increasing tobacco taxes and allocating the increased revenue for the support of K-12 education.  
☐ AGAINST increasing tobacco taxes and allocating the increased revenue for the support of K-12 education."

And, as amended, do pass. Report adopted.

**HB 121**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Strike:** "\$19,096"

**Insert:** "\$18,818"

2. Title, page 1, line 11.

**Strike:** "\$212,180"

**Insert:** "\$209,090"

3. Title, page 1, line 13.

**Strike:** "\$3,876"

**Insert:** "\$3,819"

4. Title, page 1, line 14.

**Strike:** "\$5,165"

**Insert:** "\$5,090"

5. Title, page 1, line 16.

**Strike:** "\$19,669"

**Insert:** "\$19,096"

6. Title, page 1, line 17.

**Strike:** "\$218,545"

**Insert:** "\$212,180"

7. Title, page 1, line 19.

**Strike:** "\$3,992"

**Insert:** "\$3,876"

8. Title, page 1, line 20.

**Strike:** "\$5,320"

**Insert:** "\$5,165"

9. Page 2, line 18.

**Strike:** "\$212,180"

**Insert:** "\$209,090"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

10. Page 2, line 19.

**Strike:** "\$19,096"

**Insert:** "\$18,818"

11. Page 2, line 23.

**Strike:** "\$19,096"

**Insert:** "\$18,818"

12. Page 2, line 25.

**Strike:** "\$212,180"

**Insert:** "\$209,090"

13. Page 3, line 7.

**Strike:** "\$5,165"

**Insert:** "\$5,090"

14. Page 3, line 11.

**Strike:** "\$3,876"

**Insert:** "\$3,819"

15. Page 3, line 17.

**Strike:** "\$3,876"

**Insert:** "\$3,819"

16. Page 3, line 20.

**Strike:** "\$5,165"

**Insert:** "\$5,090"

17. Page 4, line 16.

**Strike:** "\$218,545"

**Insert:** "\$212,180"

18. Page 4, line 17.

**Strike:** "\$19,669"

**Insert:** "\$19,096"

19. Page 4, line 21.

**Strike:** "\$19,669"

**Insert:** "\$19,096"

20. Page 4, line 23.

**Strike:** "\$218,545"

**Insert:** "\$212,180"

21. Page 5, line 5.

**Strike:** "\$5,320"

**Insert:** "\$5,165"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

22. Page 5, line 9.

**Strike:** "\$3,876"

**Insert:** "\$3,763"

23. Page 5, line 15.

**Strike:** "\$3,992"

**Insert:** "\$3,876"

24. Page 5, line 18.

**Strike:** "\$5,320"

**Insert:** "\$5,165"

And, as amended, do pass. Report adopted.

**HB 248**, do pass. Report adopted.

**HB 600**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "FACILITIES"

**Insert:** "MACHINERY AND EQUIPMENT"

**Following:** "DATE"

**Insert:** ", "

**Strike:** the second "AND"

2. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

3. Page 1, line 10 through line 24.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. **Section 1. Tax exemption for noncommercial generation machinery and equipment.**

(1) (a) Subject to the conditions of this section, noncommercial electrical generation machinery and equipment that are owned by a person or that are purchased by the person after [the effective date of this act] and that are used for the production of electrical energy for use by the owner in the owner's business are exempt from taxation.

(b) The exemption allowed by this section applies to electrical energy produced from electrical generation machinery and equipment owned by a person if more than 50% of the electrical energy generated is used by the person in the person's business even if the person sells a portion of the electrical energy produced to another entity. However, the amount of the exemption is proportional to the ratio of kilowatt hours used by the person in the person's business to the total kilowatt hours produced.

(2) (a) For the purposes of this section, "electrical generation machinery and equipment" means any combination of a physically connected generator or generators, associated prime movers, and other associated machinery and equipment. The term includes but is not limited to electrical generation machinery and equipment that are powered by fossil fuels, wind, water, solar energy, fuel cells, geothermal energy, biomass, solid wood or agricultural wastes, renewable energy resources, or cogeneration.

(b) The term does not include personal property used in the normal course of the owner's business.

(3) For the purposes of controlling emissions of air pollutants, electrical generation machinery and equipment are, if applicable, subject to the provisions of 75-2-211 and 75-2-215. Before granting the exemption allowed by this section, the department shall obtain information from the department of environmental quality to ensure that the

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

electrical generation machinery and equipment comply with the provisions of 75-2-211 and 75-2-215."

4. Page 2.

**Following:** line 3

**Insert:** "NEW SECTION. Section 5. Termination. [This act] terminates December 31, 2004."

And, as amended, do pass. Report adopted.

**HB 636**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "INCREASING" through ";"

2. Title, page 1, line 16.

**Strike:** "15-51-101,"

3. Page 88, line 7 through page 89, line 5.

**Strike:** section 112 in its entirety

**Renumber:** subsequent sections

4. Page 127, line 2.

**Following:** "then"

**Insert:** ": (a)"

5. Page 127, line 3.

**Following:** "2003"

**Insert:** ";

(b) [section 64(1)(a)] is amended to read: "subject to the exemption of market value specifically provided for class eleven property in 15-6-201(1), all residential property, including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres that is occupied by the owner for at least 7 months during the calendar year;"

(c) [section 64(1)(b)] is amended to read: "subject to the exemption of market value specifically provided for class eleven property in 15-6-201(1), the first \$100,000 or less of the taxable market value of any improvement on real property described in subsection (1), including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2). For the purposes of this subsection (1)(b), net business income is gross income less ordinary operating expenses before deducting depreciation or depletion allowance, or both.";

(d) [section 83], amending 15-6-201, is amended as follows:

(i) in the temporary version, there is a new subsection (1)(dd) that reads: "(dd) 50% of the first \$100,000 or less of the market value of property described in [section 64]";

(ii) in the version that becomes effective January 1, 2003, there is a new subsection (1)(ee) that reads: "(ee) 50% of the first \$100,000 or less of the market value of property described in [section 64]";

(iii) in the version that is contingently effective, there is a new subsection (1)(qq) that reads: "(qq) 50% of the first \$100,000 or less of the market value of property described in [section 64]""



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

6. Page 127, line 11.

**Strike:** "July"

**Insert:** "November"

7. Page 127, line 12.

**Strike:** "152"

**Insert:** "151"

8. Page 127, line 17.

**Strike:** "July"

**Insert:** "November"

And, as amended, do pass. Report adopted.

**HB 639**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "shall"

**Insert:** ", for fees charged by the secretary of state,"

And, as amended, do pass. Report adopted.

**HB 644**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "ONE-HALF"

**Insert:** "A PERCENTAGE OF"

2. Title, page 1, line 13.

**Strike:** "AN"

**Insert:** "A CONTINGENT"

3. Title, page 1, line 14.

**Following:** "A"

**Insert:** "CONTINGENT"

4. Page 7, line 7.

**Strike:** "one-half"

**Insert:** "85% of"

5. Page 7, line 26.

**Strike:** "one-half"

**Insert:** "85% of"

6. Page 8, line 8.

**Strike:** "50% "

**Insert:** "15% "

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

7. Page 16, line 7.

**Strike:** "one-half"

**Insert:** "85% of"

8. Page 16, line 17.

**Strike:** "50% "

**Insert:** "15% "

9. Page 20, line 2.

**Strike:** "Effective"

**Insert:** "Contingent effective"

**Strike:** "July 1, 2001"

**Insert:** "30 days after the director of the department of transportation certifies to the governor, sending a copy of the certification to the secretary of state and the code commissioner, that an ethanol plant is operational and producing fuel in Montana"

10. Page 20, line 4.

**Strike:** "Termination"

**Insert:** "Contingent termination"

**Strike:** "June 30, 2006"

**Insert:** "June 30 of the fourth year following [the effective date of this act]"

And, as amended, do pass. Report adopted.

**HB 645**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "POOL;"

**Insert:** "PROVIDING EXCEPTIONS;"

2. Page 1, line 14.

**Following:** "program"

**Insert:** "-- exceptions"

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "The"

**Insert:** "Except as provided in subsection (1)(b), the"

3. Page 1.

**Following:** line 18

**Insert:** "(b) This section does not apply to a rural electric cooperative organized under the provisions of Title 35, chapter 18, or to a municipal electric utility described in 69-8-103(5)(b)."

And, as amended, do pass. Report adopted.

**HB 647**, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 14.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "CREATING" on line 9 through "COMMISSION;" on line 14

2. Page 10, line 7 and line 8.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

3. Page 12, line 8 through page 13, line 13.

**Strike:** section 6 through section 8 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 240**, be concurred in. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

3/27/2001

**HJR 37**, be adopted. Report adopted.

**SB 3**, be amended as follows:

1. Title, line 6.

**Strike:** "AND" on line 6

**Following:** "BLACKFEET"

**Insert:** ", AND FLATHEAD"

2. Page 1, line 12.

**Following:** "along the"

**Insert:** "present"

3. Page 2, line 14.

**Strike:** "and"

**Following:** the second "reservation"

**Insert:** ", and the Flathead reservation"

And, as amended, be concurred in. Report adopted.

**SB 191**, be amended as follows:

1. Title, line 11.

**Following:** "REVENUE;"

**Insert:** "PROVIDING AN APPROPRIATION OF \$120,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF CORRECTIONS FOR MANUFACTURE OF THE PLATES; PROVIDING AN APPROPRIATION OF \$26,010 FROM THE GENERAL FUND TO THE DEPARTMENT OF JUSTICE FOR PROGRAMMING COSTS;"

2. Title, line 12.

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

**Following:** "DATE"

**Insert:** ", AN APPLICABILITY DATE, AND A TERMINATION DATE"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

3. Page 3, line 29.

**Strike:** subsection (1)(d)(iii)(C) in its entirety

**Renumber:** subsequent subsections

4. Page 6, line 20.

**Strike:** "\$5"

**Insert:** "\$6"

5. Page 8, line 14.

**Strike:** "The"

**Insert:** "Except for generic specialty license plates, the"

6. Page 8, line 15.

**Strike:** "across the plates"

**Insert:** "on each plate"

7. Page 14.

**Following:** line 6

**Insert:** "NEW SECTION. Section 14. Appropriation. (1) There is appropriated from the general fund to the department of corrections for the biennium ending June 30, 2003, \$120,000 to be used for the manufacture of generic specialty license plates by the prison industries program.

(2) There is appropriated from the general fund to the department of justice for the biennium ending June 30, 2003, \$26,010 to be used for computer programming costs incurred as a result of [this act]."

**Renumber:** subsequent sections

8. Page 14, line 18 through line 20.

**Strike:** section 16 in its entirety

**Insert:** "NEW SECTION. Section 17. Coordination instruction. (1) If Senate Bill No. 393 and [this act] are both passed and approved, then:

(a) [sections 1 through 4, 6, 7, 10, and 11] of Senate Bill No. 393 (Second Reading, Second House version) are void;

(b) [section 5] of Senate Bill No. 393 must read as follows: "NEW SECTION. Section 5. Lewis and Clark bicentennial license plates -- authorization to apply as sponsor -- use of proceeds. (1) The Lewis and Clark bicentennial commission may:

(a) apply to the department of justice to sponsor a generic specialty license plate as provided in [section 5] of Senate Bill No. 393; and

(b) require an applicant for a generic specialty license plate sponsored by the Lewis and Clark bicentennial commission to make a donation of \$20 to the Lewis and Clark bicentennial commission upon initial issuance of the license plates and a donation of \$20 upon each annual renewal of the license plates.

(2) The donation provided for in subsection (1)(b) must be paid to the county treasurer, who shall remit the entire amount to the state treasurer for deposit in the special revenue account established in 2-15-150.

(3) The Lewis and Clark bicentennial commission shall establish the criteria that entities or organizations are required to meet in order to receive proceeds from the special revenue account established in 2-15-150, and the commission may distribute the money in a manner and in any amount that it determines appropriate.

(4) The Lewis and Clark bicentennial commission may retain any amount of money collected in the special revenue account that it determines necessary to fulfill its responsibilities and carry out the activities provided in 2-15-150.

(5) Entities receiving funds under subsection (3) may not use the funds for purposes other than those prescribed by the

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Lewis and Clark bicentennial commission and subject to 2-15-150."; and

(c) the codification instruction in [section 11] of Senate Bill No. 393 is void and [section 5] of Senate Bill No. 393 must be codified as an integral part of Title 2, chapter 15, part 1, and the provisions of Title 2, chapter 15, part 1, apply to [section 5].

(2) If [this act] and Senate Bill No. 53 are both passed and approved, then 61-3-332(10)(c)(ii) must read as follows:

"(ii) The fee for original or renewal registration by a 100% disabled veteran for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter."

**Renumber:** subsequent sections

9. Page 14, line 26.

**Strike:** "January 1, 2002"

**Insert:** "on passage and approval"

10. Page 14.

**Following:** line 26

**Insert:** "NEW SECTION. Section 20. Applicability. [This act] applies to registrations of motor vehicles occurring after December 31, 2001."

**Insert:** "NEW SECTION. Section 21. Termination. [This act] terminates June 30, 2005."

And, as amended, be concurred in. Report adopted.

**SB 393**, be amended as follows:

1. Title, line 9.

**Following:** "COMMISSION;"

**Insert:** "ALLOWING THE COMMISSION TO OBTAIN A LOAN FROM THE BOARD OF INVESTMENTS; STATUTORILY APPROPRIATING PROCEEDS TO THE COMMISSION; APPROPRIATING \$480,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF CORRECTIONS FOR MANUFACTURE OF THE LICENSE PLATES;"

**Following:** "SECTIONS"

**Insert:** "2-15-150, 17-7-502,"

2. Title, line 10.

**Following:** "61-3-332"

**Insert:** ", "

3. Page 2, line 9.

**Strike:** "\$25"

**Insert:** "\$30"

4. Page 2, line 11.

**Strike:** "\$25"

**Insert:** "\$30"

5. Page 2, line 13.

**Strike:** "\$3"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Insert:** "\$8"

**Following:** "fund"

**Insert:** ", with \$6 of that amount to be allocated to the department of corrections for the purposes provided for in 53-30-132(1)(k)"

6. Page 3.

**Following:** line 9

**Insert:** "(4) Proceeds from license plate sales and proceeds from any loan from the board of investments that are received in the special revenue account established in 2-15-150 are statutorily appropriated, as provided in 17-7-502, to the Lewis and Clark bicentennial commission."

7. Page 3.

**Following:** line 25

**Insert:** "Section 8. Section 2-15-150, MCA, is amended to read:

**"2-15-150. (Temporary) Lewis and Clark bicentennial commission -- membership -- purpose -- account.**

(1) There is a Lewis and Clark bicentennial commission.

(2) The commission consists of 12 members, as follows:

(a) nine members who must be appointed by the governor, at least three of whom must be enrolled members of a Montana Indian tribe and live on a Montana Indian reservation, who shall serve 3-year staggered terms, who shall represent Montana's different geographical areas, and who must have an interest in the history of the Lewis and Clark expedition;

(b) the director of the Montana historical society, established in 22-3-101;

(c) the administrator of the parks division within the department of fish, wildlife, and parks, established in 2-15-3401; and

(d) the director of travel Montana.

(3) The commission is responsible for coordinating and promoting observance of Montana's bicentennial commemoration of the Lewis and Clark expedition and the importance of the roles played by Montana's Indian people to the Lewis and Clark expedition. The commission may:

(a) cooperate with national, regional, statewide, and local events promoting the bicentennial;

(b) plan and coordinate or assist in planning and coordinating bicentennial events;

(c) engage in fundraising activities, including revenue-earning enterprises and the solicitation of grants, gifts, and donations;

(d) promote public education concerning the Lewis and Clark expedition and the history and culture of Montana's Indian people at the time of the Lewis and Clark expedition; and

(e) perform other related duties.

(4) (a) The Lewis and Clark bicentennial commission is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$3 million, payable over a term not to exceed 6 years, for the purposes identified in subsection (3).

(b) The Lewis and Clark bicentennial commission shall pledge to the repayment of any indebtedness the proceeds from the sale of Lewis and Clark bicentennial license plates as provided in [sections 1 through 7].

(c) The proceeds of any loan from the board of investments to the Lewis and Clark bicentennial commission must be deposited in the account established in subsection (5).

~~(4)~~(5) There is a Montana Lewis and Clark bicentennial account. Money in the account may include money from revenue-earning enterprises, grants, gifts, or donations, money appropriated by the legislature, and interest earned on the account. Account funds must be used for the purposes described in this section.

~~(5)~~(6) The commission is attached to the Montana historical society for administrative purposes only as provided in 2-15-121. (Terminates December 31, 2007--sec. 2, Ch. 428, L. 1997.)"

**Insert:** "Section 9. Section 17-7-502, MCA, is amended to read:

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; [section 5]; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

**Renumber:** subsequent sections

8. Page 4, line 27.

**Strike:** "and the year"

9. Page 10.

**Following:** line 15

**Insert:** "NEW SECTION. Section 12. Appropriation. There is appropriated \$480,000 from the general fund to the department of corrections for the biennium ending June 30, 2003, to provide for the manufacture of Lewis and Clark bicentennial license plates by the prison industries program."

**Renumber:** subsequent sections

10. Page 10, line 30.

**Strike:** ", 8, and 9"

**Insert:** "and 8 through 11"

And, as amended, be concurred in. Report adopted.

**SB 448**, be amended as follows:

1. Title, line 13 through line 15.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "RAISING" on line 13 through "FEE" on line 14

**Insert:** "ASSESSING A FEE ON REGISTRATION OR REREGISTRATION OF VEHICLES; PROVIDING FOR DEPOSIT OF FEE REVENUE"

2. Title, line 16.

**Strike:** "61-3-406 AND 61-3-453"

**Insert:** "61-3-321, 61-3-332, 61-3-426, 61-3-457, 61-3-510, AND 61-3-562"

3. Page 2, line 11.

**Strike:** "one-half of"

**Strike:** "amount of"

4. Page 2, lines 12 and 13.

**Strike:** "awarded" on line 12 through "estimate" on line 13

**Insert:** "distributed equally among the five transportation districts provided in 2-15-2502"

5. Page 9, line 1 through line 19.

**Strike:** sections 2 and 3 in their entirety

**Insert:** "**Section 2.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles -- certain vehicles exempt from license or registration fees -- disposition of fees.** (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, housetrailers, and semitrailers, in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under (other than motortrucks), \$5;

(b) motor vehicles weighing over 2,850 pounds (other than motortrucks), \$10;

(c) electrically driven passenger vehicles, \$10;

(d) all motorcycles and quadricycles, \$2;

(e) tractors or trucks, \$10;

(f) buses, which are classed as motortrucks, licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds declared weight and housetrailers of all weights, \$2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds declared weight (except housetrailers), \$5;

(i) trailers and semitrailers over 6,000 pounds declared weight, \$10, except trailers and semitrailers registered in other jurisdictions through a proportional registration agreement;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, or bridge materials, new and secondhand, \$15 annually, regardless of size or capacity.

(2) All rates are 25% higher for motor vehicles, trailers, and semitrailers that are not equipped with pneumatic tires.

(3) "Tractor", as specified in this section, means any motor vehicle, except a passenger car, that is used for towing a trailer or semitrailer.

(4) If a motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of the year is one-half of the regular fee except for trailers or semitrailers registered as provided in 61-3-721(6).

(5) An additional fee of \$5.25 a year for each registration of a vehicle, except trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, must be collected as a registration fee. Revenue from this fee must be forwarded by the respective county treasurers to the state treasurer for deposit in the general fund. The department shall pay an amount equal to 25 cents from each motor vehicle registration fee from the general fund to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(6) Except as provided in 61-3-562, a fee of 25 cents a year for each registration of a vehicle, except trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, must



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in [section 1].

~~(6)~~(7) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).

~~(7)~~(8) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(8)~~(9) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

~~(9)~~(10) A person qualifying under 61-3-332(10)(d) or 61-3-504 is exempt from the fees required under subsections (1), ~~and~~ (5), ~~and~~ (6) of this section. (See compiler's comments for contingent termination of certain text.)"

**Insert: "Section 3.** Section 61-3-332, MCA, is amended to read:

**"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle or quadricycle type that bears the distinctive letters "MCD" or the letters "MC" and the word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and used motorcars (including trucks and trailers) that bears the distinctive letter "D" or the word "DEALER", one for dealers in used motorcars only (including used trucks and trailers) that bears the distinctive letters "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used) that bears the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in recreational vehicles that bears the distinctive letters "RV" or the letter "R" and the word "DEALER", and one for special license plates. All markings for the various kinds of dealers' plates must be placed on the number plates assigned to the dealer, in the position that the department designates.

(2) (a) All number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide nonremovable stickers bearing appropriate registration numbers that must be affixed to the license plates in use.

(b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-562, the department shall provide distinctive nonremovable stickers indicating that the vehicle is permanently registered. The stickers must be affixed to the license plates in use.

(3) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in length. The outline of the state of Montana must be used as a distinctive border on the license plates, and the word "Montana" and the year must be placed across the plates. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

(6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(7) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and housetrailer. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the motorcycle or quadricycle type.

(8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they may be formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

on each set, to an applicant who presents to the department a copy of certification of national guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection (10)(f)(iii) and (10)(f)(iv).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation to the department of proof of the 100% disability, be issued:

(A) a special license plate under this section with a design or decal displaying the letters "DV"; or

(B) one set of any other military-related plates that the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter.

(iii) Special license plates issued to a disabled veteran are not transferable to another person.

(iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one vehicle.

(v) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(i) Fees required under 61-3-321(1), ~~and (5), and (6)~~ may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(ii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) An ex-prisoner of war is exempt from the light vehicle taxes imposed under 61-3-504 for one vehicle that displays a set of ex-prisoner of war license plates.

(iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an original application for a license under this subsection (10)(f), the county treasurer shall:

(A) deposit \$3 of the special fee in the county general fund;

(B) remit \$1 for deposit in the state general fund; and

(C) deposit the remainder of the special fee in the state special revenue account established in 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

(iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special fee as provided in subsection (10)(f)(iii)(C).

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

**Insert: "Section 4.** Section 61-3-426, MCA, is amended to read:

**"61-3-426. Combined license plates.** (1) An application for license plates for amateur radio operators may be combined with an application for the special license plates issued to veterans of the armed services who comply with the provisions in 61-3-332(10)(d), (10)(e), and (10)(f) or with an application for special license plates issued to a person with a disability who complies with the provisions in 61-3-332(10)(g). The applicant for the combined license plates is liable for the payment of all taxes and fees applicable to regular motor vehicle license plates and shall pay an additional fee of \$5 for the original issuance as provided in 61-3-422.

(2) An application for license plates for amateur radio operators may be combined with an application for license plates for disabled veterans as provided in 61-3-332(10)(c). The fees for the registration of the combined license plates are the fees provided for in 61-3-332(10)(c) and in 61-3-422. The fees are in lieu of all other fees and taxes for that vehicle under this chapter.

(3) An application for license plates for amateur radio operators may be combined with an application for license plates for ex-prisoners of war as provided in 61-3-332(10)(d). The fees required under 61-3-321(1)<sub>2</sub> and (5)<sub>2</sub>

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

and (6) may not be assessed upon one set of combination license plates issued to an ex-prisoner of war. An ex-prisoner of war receiving combination license plates under this section is liable for the fees required under 61-3-422.

(4) The combined license plates must be stamped with the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission. The plates must also be stamped with the design or decal provided for in 61-3-332(10)(c), (10)(d), (10)(e), (10)(f), or (10)(g)."

**Insert: "Section 5.** Section 61-3-457, MCA, is amended to read:

**"61-3-457. Ex-prisoner of war license plates transferable to spouse -- conditions.** Upon the death of an ex-prisoner of war and providing that the surviving spouse does not remarry, the spouse of an ex-prisoner of war may retain and renew the one set of special license plates issued under 61-3-332(10)(d) and is not liable for light vehicle taxes under 61-3-504, for the fees required under 61-3-321(1), ~~and (5)~~, and (6), or for the special license plate fees required under 61-3-332."

**Insert: "Section 6.** Section 61-3-510, MCA, is amended to read:

**"61-3-510. Weed control fee.** (1) A special weed control fee of \$1.50 must be assessed on the annual registration or reregistration of each motor vehicle subject to registration. The fee must be collected by the county treasurer.

(2) For purposes of this section, motor vehicle includes:

- (a) a motor vehicle as defined in 61-1-102;
- (b) a motorcycle as defined in 61-1-105;
- (c) a motor-driven cycle as defined in 61-1-106; and
- (d) a quadricycle as defined in 61-1-133.

(3) The following vehicles are exempt from the fee:

- (a) vehicles owned or controlled by the United States or a state, county, city, or special district, as defined in 18-8-202;
- (b) vehicles exempt from payment of registration fees by 61-3-321~~(8)~~(9); and
- (c) vehicles or equipment that is not self-propelled or that requires towing when moved upon a highway of this state."

**Insert: "Section 7.** Section 61-3-562, MCA, is amended to read:

**"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules.** (1) (a) The owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-561, may permanently register the vehicle upon payment of a \$50 registration fee, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed for each of the following:

- (i) junk vehicle disposal fees under 61-3-508;
- (ii) weed control fees under 61-3-510;
- (iii) county motor vehicle computer fees under 61-3-511;
- (iv) the local option vehicle tax or flat fee on vehicles under 61-3-537;
- (v) if applicable, license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406;
- (vi) if applicable, the amateur radio operator license plate fee under 61-3-422; ~~and~~
- (vii) if applicable, the annual scholarship donation fee under 61-3-465; and
- (viii) senior citizens and persons with disabilities transportation services fees as provided in 61-3-321(6).

(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$2 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

- (4) The county treasurer shall:
  - (a) disburse the \$50 registration fee collected under this section as provided in 61-3-509;
  - (b) once each month, remit to the state treasurer the amounts collected under this section for the purposes of 61-3-121(5), 61-3-508, 61-3-510, 61-3-511, and 61-10-201.
- (5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.
- (b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of ownership under 61-3-201 and file an application for registration under 61-3-303."

**Renumber:** subsequent sections

6. Page 10, line 4 through line 22.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Representative Schrupf requested on **HB 617**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Tropila requested on **HB 598**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Sliter moved that the House request the Senate to return **SB 65** and that the House reconsider its action on **SB 65**. Motion carried.

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 5:30 p.m. Motion carried.

House recessed at 2:55 p.m.

House reconvened at 5:30 p.m. All members present, except Representatives Dale and Gillan, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Sliter moved consideration of **HB 248**, **HJ 38**, and **HB 617** be placed below **HB 225** on the second

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

reading board. Motion carried.

**HB 225** - Representative Schmidt moved **HB 225** do pass.

**HB 225** - Representative Story moved **HB 225**, second reading copy, be amended as follows :

1. Page 7.

**Following:** line 6

**Insert:** "NEW SECTION. Section 4. Three-fourths vote required. Because [section 1] creates a subfund in the coal severance tax trust fund, Article IX, section 5, of the Montana constitution, as interpreted by the Montana supreme court in *Montanans for the Coal Trust v. State*, requires a vote of three-fourths of the members of each house of the legislature for passage."

**Renumber:** subsequent section

Amendment **not** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 46

Noes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Raser, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 53

Voted Absentee: Gillan, No.

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

**HB 225** - Representative Adams moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Noes: Buzzas, Facey, Galvin-Halcro, Golie, Hurdle, Raser, Wanzenried.  
Total 7

Excused: Dale, Gillan.  
Total 2

Absent or not voting: Bitney, D. Brown, Carney, P. Clark, Gallik, Juneau, Kaufmann, Pattison, Schmidt, Smith.  
Total 10

Motion that **HB 225** do pass failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.  
Total 46

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 54

Voted Absentee: Gillan, Aye; Dale, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 248** - Representative Tropila moved **HB 248** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Esp, Fuchs, Kasten, Masolo, Pattison, Vick, Walters.  
Total 7

Voted Absentee: Dale, Gillan, Ayes.



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 38** - Representative Waddill moved **HJR 38** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dale, Gillan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 617** - Representative Dale present at this time.

**HB 617** - Representative Balyeat moved **HB 617** do pass.

**HB 617** - Representative Balyeat moved **HB 617**, second reading copy, be amended as follows :

1. Title, page 1, line 12 through line 13.

**Strike:** "ESTABLISHING" on line 12 through "TABLES;" on line 13

2. Title, page 1, line 25.

**Strike:** "15-30-202,"

3. Title, page 1, line 27.

**Following:** "DELAYED"

**Insert:** "CONTINGENT"

4. Page 21, line 11.

**Following:** "date."

**Insert:** "(1)"

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

5. Page 28, line 9 through line 16.

**Strike:** section 22 in its entirety

**Renumber:** subsequent sections

6. Page 43, line 30.

**Strike:** "33"

**Insert:** "32"

7. Page 44, line 11.

**Strike:** "Effective"

**Insert:** "Contingent effective"

**Following:** "2002"

**Insert:** ", only if the unreserved fund balance for the general fund as of June 30, 2001, as reported in accordance with generally accepted accounting principles and as published in the audited state financial statements as of June 30, 2001, exceeds the amount of \$82.5 million by at least \$10 million.

(2) The state treasurer shall certify to the secretary of state the amount of unreserved fund balance for the general fund as of June 30, 2001, and the difference between \$82.5 million and the unreserved fund balance for the general fund. The secretary of state shall notify the department of revenue, the code commissioner, and the legislative fiscal division of this certification"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Schruppf, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 40

Excused: Gillan.

Total 1

Absent or not voting: None.

Total 0

**HB 617** - Representative Gallus moved **HB 617**, second reading copy, be further amended as follows :

1. Title, page 1, line 27.

**Following:** "DELAYED"

**Insert:** "CONTINGENT"

2. Page 44, line 11.

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

**Strike:** "Effective"

**Insert:** "Contingent effective"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "January 1, 2002"

**Insert:** "in any year beginning with tax year 2002, that the percentage growth in inflation-adjusted Montana wage and salary income, in the last full year for which data is available, is at least 3% from the prior year as determined in this section.

(2) The department of revenue shall calculate the percentage growth in subsection (1) by using the formula  $(W/CPI) - 1$ , where:

(a) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

(b) CPI is the consumer price index for the most current available year used in subsection (2)(a) divided by the consumer price index for the year prior to the most current available year as used in subsection (2)(a).

(3) For purposes of determining the percentage growth in subsection (1), the department of revenue shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor. "

(4) The department of revenue shall certify to the secretary of state of the tax year in which the inflation adjusted Montana wage and salary income is at least 3% above the previous year. The secretary of state shall notify the department of administration, the code commissioner, and the legislative fiscal division of this certification.

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

Motion that **HB 617**, as amended, do pass carried as follows:

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Matthews, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McCann, Musgrove, Newman, Noennig, Olson, Raser, Schmidt, Schrupf, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 48

Voted Absentee: Gillan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 221** - Representative Sliter moved consideration of **SB 221** be passed for the day. Motion carried.

**SB 482** - Representative Whitaker moved **SB 482** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Harris, Hurdle.

Total 2

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 117** - Representative Lehman moved **SB 117** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 72

Noes: Adams, Bales, Balyeat, R. Brown, Brueggeman, Curtiss, Dale, Davies, Esp, Fuchs, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lewis, McCann, Mood, Pattison, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 28

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 182** - Representative Mangan moved **SB 182** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 262** - Representative Laszloffy moved **SB 262** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson,

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Eggers, Kaufmann, Vick.

Total 3

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 290** - Representative Facey moved **SB 290** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 361** - Representative Sliter moved **SB 361** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis,

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Eggers, Gallik, Harris, Hurdle, Jayne, Kasten, Lee, Musgrove, K. Peterson, Story.  
Total 10

Voted Absentee: Gillan, Aye.

Excused: None.  
Total 0

Absent or not voting: D. Brown.  
Total 1

**SB 274** - Representative Sliter moved **SB 274** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Gillan, Aye.

Excused: None.  
Total 0

Absent or not voting: Curtiss.  
Total 1

**SB 282** - Representative Curtiss moved **SB 282** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Gillan, Aye.

Excused: None.  
Total 0

Absent or not voting: Davies.  
Total 1

**SB 357** - Representative Musgrove moved **SB 357** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Esp, Masolo, Pattison, Somerville.  
Total 4

Voted Absentee: Gillan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 17** - Representative Shockley moved **SJR 17** be concurred in. Motion failed as follows:

Ayes: Clancy, Curtiss, Erickson, Fritz, Gillan, Golie, Gutsche, Keane, Laslovich, Lee, Mangan, Newman, Olson, Raser, Waddill, Wanzenried.  
Total 16

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice,



HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.

Total 34

Excused: Gillan.

Total 1

Absent or not voting: None.

Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 40**, introduced by Bixby, referred to Education.

**MOTIONS**

Representative Smith requested on **HB 225**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Matthews requested on **SB 182**, second reading today, that his vote be shown as yes. There being no

HOUSE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 2001

objections, so ordered.

Majority Leader Pro Tempore Mood assumed the chair.

Speaker McGee moved to withdraw **HB 511**. Motion carried.

Speaker McGee reassumed the chair.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Wednesday, March 28, 2001. Motion carried.

House adjourned at 8:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana  
March 28, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative D. Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Gillan and Masolo, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **HB 58, HB 69, HB 121, HB 600, HB 632, HB 636, HB 639, HB 640, HB 644, HB 645, HB 647, HB 650, SB 3, SB 191, SB 210, SB 249, SB 298, SB 319, SB 327, SB 393, SB 433, SB 443, SB 445, SB 446, SB 448, SB 449, SB 455, SB 465, SB 466, SB 469, SB 472, SB 473, SB 474, SB 484, SB 491, SJR 37.**

Correctly engrossed: **HB 121, HB 248, HB 577, HB 617, HB 639, HB 643, HJR 38, SB 117, SB 128, SB 144, SB 182, SB 207, SB 262, SB 274, SB 282, SB 290, SB 321, SB 357, SB 361, SB 482.**

Delivered to the Governor for her approval at 10:10 a.m., March 28, 2001: **HB 47, HB 131, HB 363, HB 374, HB 378, HB 439, HB 440, HB 519, HB 523, HB 542, HB 548, HB 551, HB 579.**

Delivered to the Secretary of State at 11:35 a.m., March 28, 1998: **HJR 18.**

**AGRICULTURE** (Hedges, Chairman):  
**SB 389**, be concurred in. Report adopted.

3/28/2001

**EDUCATION** (Masolo, Chairman):  
**SB 65**, be amended as follows:

3/28/2001

1. Page 11, line 15.

**Strike:** "Except" through "when"

**Insert:** "When"

2. Page 11, line 16.

**Following:** "20-5-321"

**Insert:** "(1)(a)"

3. Page 11, line 20.

**Following:** "TUITION"

**Insert:** "and transportation"

4. Page 11, line 24.

**Strike:** "COUNTY"

**Insert:** "district"

5. Page 11, line 30.

**Strike:** "COUNTY"

**Insert:** "district"

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

3/28/2001

**SB 163**, be concurred in. Report adopted.

**SB 286**, be concurred in. Report adopted.

**SB 304**, be concurred in. Report adopted.

**SB 431**, be amended as follows:

1. Title, line 5.

**Following:** "COLLECTION OF"

**Insert:** "CERTAIN"

2. Title, line 6.

**Following:** "PROVIDING THAT"

**Insert:** "CERTAIN"

3. Title, line 7.

**Following:** "PROVIDING"

**Strike:** "AN EXCEPTION"

**Insert:** "EXCEPTIONS"

4. Page 1, line 8.

**Insert:** "WHEREAS, the Legislature finds it desirable to regulate or manage the collection, harvest, possession, or transportation of nongame wildlife for commercial purposes."

5. Page 1, line 16.

**Following:** "subspecies of"

**Insert:** "nongame"

6. Page 2, line 19.

**Following:** "**taking of**"

**Insert:** "**certain**"

7. Page 2, line 20.

**Strike:** "Nongame"

**Insert:** "The following nongame"

**Following:** "purposes"

**Insert:** ", except as provided in subsections (3) and (4),"

8. Page 2, line 21.

**Following:** "department"

**Insert:** ":(a) northern flying squirrel (*Glaucomys sabrinus*);

(b) pika (*Ochotona princeps*);

(c) pygmy rabbit (*Brachylagus idahoensis*);

(d) amphibians native to the state of Montana; and

(e) reptiles native to the state of Montana"

9. Page 2, line 26.

**Following:** "(3) The"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Strike:** "provisions of subsection (1) may not be construed to prohibit the"

10. Page 2, line 27.

**Following:** "viridis"

**Strike:** "viridis"

**Following:** "commercial purposes"

**Insert:** "may not be regulated under this section"

11. Page 2, line 27 through line 29.

**Strike:** "However" on line 27 through "regulated." on line 29

12. Page 2, line 30.

**Insert:** "(4) This section does not prohibit:

(a) outfitting for the shooting of nongame wildlife;

(b) payment by a landowner to an individual for shooting or removing nongame wildlife; or

(c) the use of byproducts of nongame wildlife in fishing flies, jewelry, or other handicrafts."

And, as amended, be concurred in. Report adopted.

**SB 437**, be amended as follows:

1. Title, line 6 through line 9.

**Following:** "ISSUANCE OF" on line 6

**Strike:** remainder of line 6 through "ISSUANCE OF" on line 9

2. Title, line 11.

**Following:** "PROVIDING"

**Insert:** "AN IMMEDIATE"

**Following:** "EFFECTIVE"

**Strike:** "DATES"

**Insert:** "DATE"

3. Page 1, line 15 through page 3, line 20.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

4. Page 3, line 30.

**Following:** "87-1-225."

**Insert:** "A landowner may not charge a fee to a hunter using a license obtained pursuant to this section."

5. Page 4, line 6.

**Following:** "offered"

**Strike:** "first"

**Following:** "hunters"

**Strike:** "who"

6. Page 4, line 7.

**Strike:** "received" through "year"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Insert:** "in a manner prescribed by the department"

7. Page 4, line 9.

**Strike:** "on a first-come, first-serve basis"

8. Page 4, line 16.

**Strike:** "[Sections 1 through 3] are"

**Insert:** "[Section 1] is"

9. Page 4, line 18.

**Strike:** "[sections 1 through 3]"

**Insert:** "[section 1]"

10. Page 4, line 20.

**Following:** "Effective"

**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1) Except as provided in subsection (2), [this]"

**Insert:** "[This]"

11. Page 4, line 22.

**Strike:** subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

3/28/2001

**SB 289**, be concurred in. Report adopted.

**SB 396**, be amended as follows:

1. Page 1, line 27.

**Following:** "~~two-fifths~~"

**Insert:** "each of at least"

And, as amended, be concurred in. Report adopted.

**SB 397**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 4  
Report No. 1, March 26, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 4** (reference copy – salmon) and recommend this Conference Committee report be adopted.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

And, recommend that **Senate Bill 4** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 8.

**Following:** "~~EMPLOYEES~~;"

**Insert:** "SPECIFYING THE STATUS OF TEMPORARY EMPLOYEES;"

2. Page 2, line 14.

**Following:** "~~STATUS~~;"

**Insert:** "An employee who is hired on a temporary basis not to exceed 12 months for a specific assignment or project is presumed to be a probationary employee for the entire period of the temporary assignment or project."

For the Senate:

Grimes, Chairman  
Cocchiarella  
DePratu

For the House:

Gallus  
Shockley

**MESSAGES FROM THE SENATE**

**SB 65** - The Senate acceded to the request of the House and herewith transmits **SB 65** for reconsideration:

3/27/2001

House bills concurred in and returned to the House:

3/27/2001

**HB 190**, introduced by Witt

**HB 408**, introduced by Schmidt

House joint resolutions concurred in and returned to the House:

3/27/2001

**HJR 24**, introduced by Wanzenried

**HJR 29**, introduced by Carney

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/27/2001

**HB 254**, introduced by Davies

**HB 454**, introduced by P. Clark

**HB 463**, introduced by Lee

**HB 492**, introduced by P. Clark

**HB 563**, introduced by P. Clark

**HB 620**, introduced by Devlin

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

3/27/2001

**HJR 31**, introduced by Schmidt

**MESSAGES FROM THE GOVERNOR**

March 27, 2001

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 27** sponsored by Representative Musgrove, **House Bill 129** sponsored by Representative Bales, **House Bill 134** sponsored by Representative Facey, **House Bill 241** sponsored by Representative B. Thomas, and **House Bill 351** sponsored by Representative Olson et al. on March 27, 2001.

Sincerely,

JUDY MARTZ  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 221** - Representative R. Brown moved **SB 221** be concurred in.

**SB 221** - Representative R. Brown moved **SB 221**, second reading copy, be amended as follows :

1. Page 2, line 20.

**Following:** "~~home health care,~~"

**Insert:** "home health care,"

**Following:** "care;"

**Insert:** ", "

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 94

Noes: None.



HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Total 0

Excused: Gillan, Masolo.

Total 2

Absent or not voting: Eggers, Mangan, Sliter, Younkin.

Total 4

**SB 221** - Representative Price moved **SB 221**, second reading copy, be further amended as follows :

1. Page 2, line 18.

**Strike:** "or"

2. Page 2, line 21.

**Following:** "rehabilitation"

**Insert:** "; or (i) the construction, development, or other establishment of a facility for ambulatory surgical care through an outpatient center for surgical services in a county with a population of 20,000 or less according to the most recent federal census or estimate"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Golie, Hurdle.

Total 2

Voted Absentee: Masolo, Aye.

Excused: Gillan.

Total 1

Absent or not voting: Bookout-Reinicke, Mangan.

Total 2

Motion that **SB 221**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Bookout-Reinicke, Buzzas, Callahan, Carney, Eggers, Galvin-Halcro, Golie, Harris, Hurdle, Kaufmann, Keane, Lee, Mangan, Musgrove, Rome, Schmidt, Tramelli, Tropila, Wanzenried, Whitaker.

Total 20

Voted Absentee: Gillan, Masolo, Ayes.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

**HB 650** - Representative Younkin excused at this time.

**HB 650** - Representative Mood moved **HB 650** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gillan, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 69** - Representative McCann moved **HB 69** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Hurdle, Musgrove, Wanzenried.

Total 4

Voted Absentee: Gillan, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 91

Noes: Eggers, Wanzenried.

Total 2

Excused: Gillan, Masolo, Younkin.

Total 3

Absent or not voting: Gallik, Lenhart, Mangan, Tropila.

Total 4

Majority Leader Sliter moved that the House recess until 1:30 p.m. Motion carried.

House recessed at 12:54 p.m.

House reconvened at 1:30 p.m. All members present, except Representatives Gillan, Masolo, and Younkin excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 3/28/2001  
**SB 243**, be amended as follows:

1. Page 10, line 26.

**Following:** "provider"

**Insert:** "that is not a cooperative utility"

2. Page 11, line 14.

**Following:** "~~distribution~~"

**Strike:** "~~Distribution~~"

**Insert:** "Public utility -- distribution"

**Following:** "utility's"

**Insert:** "public utility's"

3. Page 11, line 23 through line 24.

**Strike:** "FROM" on line 23 through "OBLIGATION." on line 24

4. Page 11, line 25.

**Strike:** "THE DEFAULT SUPPLIER"

**Insert:** "an electricity supplier that has failed to meet its obligation"

5. Page 16, line 2 through line 4.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

6. Page 17, line 13 through line 14.

**Strike:** "All default"

**Insert:** "Default"

**Strike:** "the" on line 13 through the first "rate" on line 14

**Insert:** "rates"

**Following:** "electricity" on line 14

**Insert:** "supply as determined by the commission"

7. Page 18, line 5.

**Strike:** "JUST AND REASONABLE"

**Insert:** "commission-approved"

8. Page 18, line 10.

**Following:** "PERIOD"

**Insert:** ", including recognition of the time value of money on the undercollection or overcollection,"

9. Page 18, line 24 through line 26.

**Strike:** "THE DEFAULT" on line 24 through "PURPOSES." on line 26

**Insert:** "If the default supplier does not acquire the supply or service by competitive bid, the commission shall review the costs based on a reasonableness standard."

10. Page 18, line 27.

**Strike:** "WHETHER TO ENTER"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Following:** "SUPPLIER"

**Insert:** "and the commission"

11. Page 19, line 6.

**Strike:** "THE COMMISSION CONSIDERS RELEVANT"

**Insert:** "can be objectively shown to materially affect the price of the default supplier's energy supply or the reliability of the supply"

12. Page 19.

**Following:** line 6

**Insert:** "(9) The commission may review the prudence of the procurement process. However, because market changes subsequent to the signing of a contract cannot be anticipated at the time of signing, market changes may not be considered by the commission as part of a future evaluation of the contract."

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):

3/28/2001

**SB 477**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PHYSICIAN"

**Insert:** "OR ADVANCED PRACTICE REGISTERED NURSE"

2. Title, line 7.

**Strike:** "AND"

**Following:** "PHYSICIAN'S"

**Insert:** "OR ADVANCED PRACTICE REGISTERED NURSE'S"

3. Title, line 8.

**Following:** "DEVICE"

**Insert:** "; AND GRANTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES RULEMAKING AUTHORITY"

4. Page 1, line 18.

**Strike:** "has been declared incompetent or"

5. Page 1, line 19.

**Following:** "decisions"

**Insert:** "because the resident has a communication barrier or has been found by a physician to be medically incapable of granting informed consent, as provided in [section 3]"

6. Page 1, lines 20 and 21.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

7. Page 1, line 22.

**Strike:** "conservator or"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

8. Page 1, line 23.

**Strike:** ", either generally or"

9. Page 2.

**Following:** line 5

**Insert:** "(2) "Long-term care facility" means a licensed facility that provides skilled nursing care or intermediate nursing care or that is a personal-care facility, as defined in 50-5-101."

**Renumber:** subsequent subsections

10. Page 2.

**Following:** line 7

**Insert:** "(4) "Physician" includes an advanced practice registered nurse to the extent permitted by federal law."

**Renumber:** subsequent subsections

11. Page 2, line 8.

**Following:** ""Resident""

**Strike:** remainder of line 8

**Insert:** "means a person who lives in a long-term care facility."

12. Page 3, line 1.

**Following:** "enforcement"

**Insert:** "-- rulemaking authority

**Following:** "."

**Insert:** "(1) The department is granted rulemaking authority for the purposes of implementing [sections 1 through 5]."

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Shockley, Chairman):

3/28/2001

**SB 489**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "REQUIRING"

**Insert:** "ALLOWING"

2. Title, page 1, line 7.

**Strike:** "MUST"

3. Title, page 1, line 10.

**Strike:** "45-2-101,"

**Strike:** "AND"

**Following:** "61-8-731,"

**Insert:** "AND 61-8-732,"

4. Title, page 1, line 11.

**Strike:** "A DELAYED"

**Insert:** "AN"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

5. Page 1, line 24 through page 11, line 15.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

6. Page 12, line 29.

**Strike:** "(a)"

7. Page 13, line 2.

**Strike:** "(i)"

**Insert:** "(a)"

8. Page 13, line 3 through line 6.

**Strike:** "for" on line 3 through end of line 6

**Insert:** "for a term of 13 months. The court shall order that if the person successfully completes a residential alcohol treatment program operated or approved by the department of corrections, the remainder of the 13-month sentence must be served on probation. The imposition or execution of the 13-month sentence may not be deferred or suspended, and the person is not eligible for parole.

(b) sentencing the person to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (1)(a); and"

9. Page 13, line 7.

**Strike:** "(iii)"

**Insert:** "(c)"

10. Page 13, line 8 through line 9.

**Strike:** subsection (b) in its entirety

11. Page 13, line 25.

**Following:** "department"

**Insert:** "of corrections"

**Strike:** "(1)(a)(i)"

**Insert:** "(1)(a)"

12. Page 13, line 26.

**Following:** "department"

**Insert:** "of corrections"

13. Page 15, line 6.

**Insert:** "**Section 3.** Section 61-8-732, MCA, is amended to read:

**"61-8-732. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- assessment, education, and treatment required.** (1) In addition to the punishments provided in 61-8-714, 61-8-722, and 61-8-731, regardless of disposition, a defendant convicted of a violation of 61-8-401 or 61-8-406 shall complete:

(a) a chemical dependency assessment;

(b) a chemical dependency education course; and

(c) on a second or subsequent conviction for a violation of 61-8-401 or 61-8-406, except a fourth or subsequent conviction for which the defendant completes a residential alcohol treatment program under 61-8-731(2),

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

or as required by subsection (8) of this section, chemical dependency treatment.

(2) The sentencing judge may, in the judge's discretion, require the defendant to complete the chemical dependency assessment prior to sentencing the defendant. If the assessment is not ordered or completed before sentencing, the judge shall order the chemical dependency assessment as part of the sentence.

(3) The chemical dependency assessment and the chemical dependency education course must be completed at a treatment program approved by the department of public health and human services and must be conducted by a certified chemical dependency counselor. The defendant may attend a treatment program of the defendant's choice as long as the treatment services are provided by a certified chemical dependency counselor. The defendant shall pay the cost of the assessment, the education course, and chemical dependency treatment.

(4) The assessment must describe the defendant's level of addiction, if any, and contain a recommendation as to education, treatment, or both. A defendant who disagrees with the initial assessment may, at the defendant's cost, obtain a second assessment provided by a certified chemical dependency counselor or a program approved by the department of public health and human services.

(5) The treatment provided to the defendant at a treatment program must be at a level appropriate to the defendant's alcohol or drug problem, or both, as determined by a certified chemical dependency counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon determination, the court shall order the defendant's appropriate level of treatment. If more than one counselor makes a determination as provided in this subsection, the court shall order an appropriate level of treatment based upon the determination of one of the counselors.

(6) Each counselor providing education or treatment shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a chemical dependency education course or treatment program. If the defendant fails to attend the education course or treatment program, the counselor shall notify the court of the failure.

(7) A court or counselor may not require attendance at a self-help program other than at an "open meeting", as that term is defined by the self-help program. A defendant may voluntarily participate in self-help programs.

(8) Chemical dependency treatment must be ordered for a first-time offender convicted of a violation of 61-8-401 or 61-8-406 upon a finding of chemical dependency made by a certified chemical dependency counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services.

(9) (a) On a second or subsequent conviction, the treatment program provided for in subsection (5) must be followed by monthly monitoring for a period of at least 1 year from the date of admission to the program.

(b) If a defendant fails to comply with the monitoring program imposed under subsection (9)(a), the court shall revoke the suspended sentence, if any, impose any remaining portion of the suspended sentence, and may include additional monthly monitoring for up to an additional 6 months.""

**Renumber:** subsequent sections

14. Page 15, line 9.

**Strike:** "2"

**Insert:** "1"

15. Page 15, line 11.

**Strike:** "2"

**Insert:** "1"

16. Page 15, line 12.

**Insert:** "(3) If Senate Bill No. 483 and [this act] are both passed and approved, then Senate Bill No. 483 is void."

17. Page 15, line 13.

**Strike:** "January 1, 2002"



HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Insert:** "July 1, 2001"

18. Page 15, line 15.

**Following:** "61-8-731"

**Insert:** "for offenses committed"

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):  
**SB 138**, be amended as follows:

3/28/2001

1. Title, line 7.

**Following:** "~~2-7-503~~,"

**Insert:** "2-7-503,"

2. Page 2, line 2.

**Strike:** "(1)"

3. Page 2, line 5 through line 6.

**Strike:** subsection (2) in its entirety

4. Page 2, line 26 through line 27.

**Strike:** "Subject" on line 26 through "the" on line 27

**Insert:** "The"

5. Page 3, line 12.

**Following:** "offices,"

**Insert:** "and"

**Strike:** ", special districts, and special authorities"

6. Page 3, line 17.

**Strike:** "other" through "towns"

7. Page 10, line 11.

**Strike:** "county" through "available"

**Insert:** "district court fund budget as soon as the preliminary county budget is prepared pursuant to [section 20].

(2) The district court may recommend changes to any part of the district court fund budget that the court considers to be necessary for it to discharge its obligations under the law. Any recommendations must be made at the hearing on the preliminary budget held pursuant to [section 24]"

**Renumber:** subsequent subsection

8. Page 12, line 26.

**Following:** "body"

**Insert:** ", "

**Strike:** the second "and"

**Following:** "official"

**Insert:** ", and the district courts"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

9. Page 17.

**Following:** line 22

**Insert:** "Section 34. Section 2-7-503, MCA, is amended to read:

**"2-7-503. Financial reports and audits of local government entities -- exception.** (1) The governing body or managing or executive officer of a local government entity, other than a school district or associated cooperative, shall ensure that a financial report is made every year. A school district or associated cooperative shall comply with the provisions of 20-9-213. The financial report must cover the preceding fiscal year, be in a form prescribed by the department, and be completed within 6 months of the end of the reporting period. The local government entity shall submit the financial report to the department for review.

(2) The department shall prescribe a uniform reporting system for all local government entities subject to financial reporting requirements, other than school districts. The superintendent of public instruction shall prescribe the reporting requirements for school districts.

(3) (a) The governing body or managing or executive officer of each local government entity receiving revenue or financial assistance in the period covered by the financial report in excess of \$200,000 shall cause an audit to be made at least every 2 years. The audit must cover the entity's preceding 2 fiscal years. The audit must commence within 9 months from the close of the last fiscal year of the audit period. The audit must be completed and submitted to the department for review within 1 year from the close of the last fiscal year covered by the audit.

(b) The governing body or managing or executive officer of a local government entity that does not meet the criteria established in subsection (3)(a) shall at least once every 4 years, if directed by the department, or, in the case of a school district, if directed by the department at the request of the superintendent of public instruction, cause a financial review, as defined by department rule, to be conducted of the financial statements of the entity for the preceding fiscal year.

(4) An audit conducted in accordance with this part is in lieu of any financial or financial and compliance audit of an individual financial assistance program that a local government is required to conduct under any other state or federal law or regulation. If an audit conducted pursuant to this part provides a state agency with the information that it requires to carry out its responsibilities under state or federal law or regulation, the state agency shall rely upon and use that information to plan and conduct its own audits or reviews in order to avoid a duplication of effort.

(5) In addition to the audits required by this section, the department may at any time conduct or contract for a special audit or review of the affairs of any local government entity referred to in this part. The special audit or review must, to the extent practicable, build upon audits performed pursuant to this part.

(6) The fee for the special audit or review must be a charge based upon the costs incurred by the department in relation to the special audit or review. The audit fee must be paid by the local government entity to the state treasurer and must be deposited in the enterprise fund to the credit of the department.

~~(7) Subsections (1) through (3) do not apply to a local government entity that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."~~

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 241**, be amended as follows:

1. Page 2, line 3.

**Following:** "A"

**Insert:** "different"

2. Page 2, line 4.

**Following:** "commissioners."

**Insert:** "The citizen members must be appointed by the board of county commissioners to 2-year staggered terms, with

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

one member initially appointed to a 2-year term and the remaining member initially appointed to a 1-year term."

And, as amended, be concurred in. Report adopted.

**SB 333**, be concurred in. Report adopted.

**SB 407**, be concurred in. Report adopted.

**SB 429**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 14.

**Strike:** "51"

**Insert:** "60"

3. Page 1, line 16.

**Strike:** "51"

**Insert:** "60"

4. Page 2, line 1 through line 4.

**Strike:** section 3 in its entirety

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Walters, Chairman):

3/28/2001

**SJR 12**, be amended as follows:

1. Page 2, line 1.

**Strike:** "and"

2. Page 2, line 2.

**Following:** "Pros""

**Insert:** "; and

(h) the statue of General Thomas Francis Meagher"

3. Page 2.

**Following:** line 6

**Insert:** "(4) That the plaque commemorating Montana's centennial be permanently placed in the Capitol in a location to be determined by the Department of Administration upon consultation with the Capitol Complex Advisory Council.

(5) That the plaque commemorating Montana's women legislators be permanently placed in the Capitol in a location to be determined by the Department of Administration upon consultation with the Capitol Complex Advisory Council."

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**TAXATION** (Story, Chairman):

3/28/2001

**HB 623**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "EMPLOYEES;"

**Insert:** "PROVIDING LIMITATIONS TO THE CREDIT;"

2. Title, page 1, line 11.

**Following:** "DATE"

**Insert:** ", "

**Strike:** "AND"

3. Title, page 1, line 12.

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

4. Page 1, line 24 through line 26.

**Strike:** "full-time" on line 24 through "preceding" on line 26

**Insert:** "dependents that the day-care facility is designed to accommodate at"

5. Page 1, line 28.

**Strike:** "50%"

**Insert:** "15%"

6. Page 1, line 30.

**Strike:** "\$100,000"

**Insert:** "\$50,000"

7. Page 2, line 13.

**Following:** "credit"

**Insert:** "or any carryforward amount of the credit"

8. Page 2, line 15.

**Following:** "credit"

**Insert:** "or any carryforward amount of the credit"

9. Page 2, line 20.

**Strike:** "2007"

**Insert:** "2006"

10. Page 3, line 1.

**Strike:** "If"

**Insert:** "Except as provided in subsections (4)(a) and (4)(b), if"

11. Page 3, line 12.

**Following:** "."

**Insert:** "Upon request of the department, the department of public health and human services shall report to the department on whether the day-care facility was operated as a licensed or registered day-care facility on the

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

last day of the tax year of the person claiming the credit."

12. Page 4, line 19.

**Strike:** "50%"

**Insert:** "25%"

13. Page 4, line 20.

**Strike:** "\$2,500"

**Insert:** "\$1,575"

14. Page 5, line 1.

**Strike:** "50%"

**Insert:** "25%"

15. Page 6.

**Following:** line 19

**Insert:** "NEW SECTION. **Section 8. Termination.** [This act] terminates December 31, 2005."

And, as amended, do pass. Report adopted.

**SB 398**, be amended as follows:

1. Title, line 6.

**Following:** "DATE"

**Insert:** ", A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"

2. Page 4, lines 2 and 3.

**Strike:** "10 megawatts or less and used exclusively" on line 2

**Insert:** "not more than 125 megawatts at 90 degrees Fahrenheit ambient air temperature"

**Following:** "electricity" on line 2

**Strike:** remainder of line 2 through "facility" on line 3

3. Page 4, line 4.

**Following:** " "

**Insert:** "The permit application must be accompanied by an application fee of \$100 for a temporary power generation unit with a generation capacity of more than 10 megawatts. At least 50% of the electrical energy produced by the temporary power generation unit must be used in or offered for sale in Montana at prices that do not exceed 6 cents per kilowatt hour."

4. Page 4, line 17.

**Following:** "issued"

**Insert:** "under this part and"

**Following:** "to"

**Insert:** "the provisions of"

5. Page 4, line 18.

**Strike:** "that the department received the permit application"

**Insert:** "of issuance"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

6. Page 4, line 21.

**Insert:** "(13) Construction for a temporary power generation unit may commence upon the department's written notice as provided for in subsection (12)(c)(i)."

7. Page 4, line 23.

**Insert:** "NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to applications filed on or after January 1, 2001."

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2005."

And, as amended, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fuchs in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 646** - Representative Golie moved **HB 646** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Gillan, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 632** - Representative Mood moved **HB 632** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Esp, Facey, Fuchs, Gallik, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Branae, Buzzas, Callahan, Carney, Dell, Erickson, Fisher, Forrester, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jayne, Kasten, Kaufmann, Lee, Lindeen, Mangan, Musgrove.

Total 21

Voted Absentee: Gillan, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 640** - Representative Sliter moved consideration of **HB 640** be placed at the top of the second reading board. Motion carried.

Representative Younkin present at this time.

**HB 640** - Representative McGee moved **HB 640** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fuchs, Gallik, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, K. Peterson, Raser, Schmidt, Tramelli, Wanzenried.

Total 39

Voted Absentee: Masolo, Aye; Gillan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter assumed the chair.

Representative Gillan present at this time.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**HB 600** - Representative R. Brown moved consideration of **HB 600** be placed at the top of the second reading board. Motion carried.

**HB 600** - Representative Bookout-Reinicke moved **HB 600** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 636** - Representative R. Brown moved consideration of **HB 636** be placed at the top of the second reading board. Motion carried.

**HB 636** - Representative Fuchs moved **HB 636** do pass.

Representative Newman moved for cloture. Motion carried.

Motion that **HB 636** do pass failed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Gillan, Haines, Hedges, Himmelberger, Jackson, Laible, Lawson, Lehman, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Sliter, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 48

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Masolo, McCann, Musgrove, Newman, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Walters, Wanzenried, Wolery.

Total 50

Voted Absentee: Masolo, No.



HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Excused: None.  
Total 0

Absent or not voting: Adams, Davies.  
Total 2

**HB 121** - Representative Mood moved **HB 121** do pass.

**HB 121** - Representative Waddill moved **HB 121**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

**Strike:** "2002"

**Insert:** "2001"

2. Title, page 1, lines 8 and 9.

**Strike:** "FOR SCHOOL FISCAL YEAR 2002,"

3. Title, page 1, line 10.

**Strike:** "\$18,818"

**Insert:** "\$18,966"

4. Title, page 1, line 11.

**Strike:** "\$209,090"

**Insert:** "\$210,738"

5. Title, page 1, line 13.

**Strike:** "\$3,819"

**Insert:** "\$3,850"

6. Title, page 1, line 14.

**Strike:** "\$5,090"

**Insert:** "\$5,130"

7. Title, page 1, line 15.

**Following:** "YEARS"

**Insert:** "BEGINNING ON OR"

**Following:** "2002,"

**Insert:** "CONTINGENTLY"

8. Title, page 1, line 17.

**Strike:** "\$19,096"

**Insert:** "\$19,819"

9. Title, page 1, line 18.

**Strike:** "\$212,180"

**Insert:** "\$220,221"

10. Title, page 1, line 19.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Strike:** "\$3,876"

**Insert:** "\$4,023"

11. Title, page 1, line 21.

**Strike:** "\$5,165"

**Insert:** "\$5,361"

**Following:** " ;"

**Insert:** "PROVIDING THAT THE INCREASES FOR SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2002, ARE CONTINGENT ON PASSAGE OF SENATE BILL NO. 495 AND VOTER APPROVAL OF AN INCREASE IN THE CIGARETTE AND TOBACCO PRODUCT TAXES IN SENATE BILL NO. 119;"

12. Title, page 1, line 23.

**Following:** "A"

**Insert:** "CONTINGENT"

13. Page 2, line 19.

**Strike:** "\$209,090"

**Insert:** "\$210,738"

14. Page 2, line 20.

**Strike:** "\$18,818"

**Insert:** "\$18,966"

15. Page 2, line 24.

**Strike:** "\$18,818"

**Insert:** "\$18,966"

16. Page 2, line 26.

**Strike:** "\$209,090"

**Insert:** "\$210,738"

17. Page 3, line 8.

**Strike:** "\$5,090"

**Insert:** "\$5,130"

18. Page 3, line 12.

**Strike:** "\$3,819"

**Insert:** "\$3,850"

19. Page 3, line 18.

**Strike:** "\$3,819"

**Insert:** "\$3,850"

20. Page 3, line 21.

**Strike:** "\$5,090"

**Insert:** "\$5,130"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

21. Page 3, line 25 through page 5, line 21.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

22. Page 7, line 23.

**Following:** line 22

**Insert:** "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 495 is passed and approved and if Senate Bill No. 119 is approved by the electorate, then section 20-9-306, MCA, must read as follows:

**"Section 2.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
  - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
  - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
  - (a) ~~\$206,000~~ \$220,221 for each high school district;
  - (b) ~~\$18,540~~ \$19,819 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
  - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
    - (i) ~~\$18,540~~ \$19,819 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
    - (ii) ~~\$206,000~~ \$220,221 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.
- (9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.
- (10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:
  - (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,361 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;
  - (b) for an elementary school district or a K-12 district elementary program without an approved and

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$4,023 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$4,023 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,361 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.""

**Renumber:** subsequent sections

23. Page 7, line 27.

**Strike:** "[SECTION 2]"

**Insert:** "If Senate Bill No. 495 is passed and approved and if Senate Bill No. 119 is approved by the electorate, then the amendment to 20-9-306 contained in [section 2 of this act]"

24. Page 8, line 3.

**Strike:** "DATE"

**Insert:** "-- contingency"

**Strike:** "[SECTION 1]"

**Insert:** "If Senate Bill No. 495 is passed and approved and if Senate Bill No. 119 is approved by the electorate, [section 1]"

Amendment **adopted** as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, Raser, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, McKenney, Mood, Pattison, K. Peterson, Price, Rice, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 45

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Motion that **HB 121**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Adams, Balyeat, Buzzas, Esp, Fisher, Fuchs, Himmelberger, Jackson, Juneau, Kasten, Laible, Laszloffy, Smith, Steinbeisser, Story, Vick, Walters, Whitaker.

Total 18

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Davies, Lewis.

Total 2

**HB 58** - Representative R. Brown moved consideration of **HB 58** be placed at the top of the second reading board.

Representative Erickson made a substitute motion that consideration of **HB 58** be placed at the bottom of the second reading board. Motion failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, Price, Rice, Ripley, Rome, Shockley, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 48

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, A. Peterson, K. Peterson, Raser, Schmidt, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 49

Excused: Masolo.

Total 1

Absent or not voting: Schrupf, Younkin.

Total 2

Representative Erickson withdrew his motion. Motion carried.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**HB 58** - Representative Golie moved consideration of **HB 58** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Representative Fuchs reassumed the chair.

**HB 639** - Representative Barrett moved **HB 639** do pass.

**HB 639** - Representative Story moved **HB 639**, second reading copy, be amended as follows :

1. Page 20, line 19.

**Insert:** "NEW SECTION. **Section 29. Coordination instruction.** (1) If Senate Bill No. 23 and [this act] are both passed and approved and both bills amend 30-9-545, then 30-9-545 must read as follows:

"**Section 14.** Section 30-9-545, MCA, is amended to read:

**"30-9-545. (Effective July 1, 2001) Fees.** (1) Except as otherwise provided in subsection ~~(5)~~ (2), the fee for each of the following must be set and deposited by the secretary of state as prescribed in [section 1 of House Bill No. 639]:

(a) filing and indexing a record under this part, other than an initial financing statement ~~of the kind described in 30-9-522(3), filed in connection with a public-finance transaction or a manufactured-home transaction must be commensurate with costs and must be established by rule;~~

~~(2) Except as otherwise provided in subsection (5), the fee for~~

(b) filing and indexing an initial financing statement of the kind described in 30-9-522(3) ~~must be commensurate with costs and must be established by rule.~~

~~(3) The number of names required to be indexed does not affect the amount of the fees in subsections (1) and (2).~~

~~(4) The fee for; and~~

(c) responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor; ~~must be commensurate with costs and must be established by rule.~~

~~(5)(2) This section does not require a fee with respect to a record of mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under 30-9-522(3). However, the recording and satisfaction fees that otherwise would be applicable to the record of mortgage apply."~~

(2) If Senate Bill No. 122 and [this act] are both passed and approved:

(a) and both bills amend 35-15-201, then 35-15-201 must read as follows:

**"Section 25.** Section 35-15-201, MCA, is amended to read:

**"35-15-201. Incorporation.**(1) Whenever ~~any number of persons, not less than three or more than seven, may two or more persons~~ desire to ~~become incorporated~~ incorporate as a cooperative association for the purpose of trade or of ~~prosecuting~~ carrying out any branch of industry or the purchase and distribution of commodities for consumption or in the borrowing or lending of money among members for industrial purposes, ~~they~~ the persons shall ~~make~~ prepare a statement to that effect ~~under their hands setting~~ that also sets forth:

(a) the name of the proposed ~~corporation~~ cooperative association;

(b) its capital stock;

(c) its location;

(d) the duration of the association; and

(e) the particular branch or branches of industry ~~which they~~ that the association intend intends to ~~prosecute~~ carry

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

out.

(2) In addition to ~~provisions the items~~ required in subsection (1), the statement of incorporation may also contain provisions not inconsistent with ~~law regarding the liability provisions~~ as set forth in 35-1-216.

(3) The statement, ~~accompanied by the required filing fee, set and deposited in accordance with [section 1 of House Bill No. 639], shall~~ must be filed in the office of the secretary of state as the articles of incorporation of the association. ~~The After receiving the statement and the fee, the secretary of state shall thereupon issue to such the persons forming the association a license as commissioners to open books for subscription to the capital stock of such corporation, the association at such a time and place as they that the persons forming the association may determine, for which he shall receive the fee of \$20.~~""

(b) and both bills amend section 35-15-205, then 35-15-205 must read as follows:

**"Section 26.** Section 35-15-205, MCA, is amended to read:

**"35-15-205. Amendment of articles of incorporation -- fee.** At any time after the filing of the certificate of complete organization, the articles of incorporation may be amended. Any amendment of the articles of incorporation ~~shall first must be first~~ approved by two-thirds of the directors and then adopted by a vote of not less than two-thirds of those stockholders voting ~~thereon on the issue~~ at any regular meeting of the stockholders or at a special meeting of the stockholders called for that purpose. A certificate setting forth ~~such the~~ amendment ~~shall must~~ be executed on behalf of the association by its president or ~~vice-president~~ vice president and its corporate seal affixed ~~thereto and~~ attested to by its secretary. ~~Such The~~ certificate ~~shall must~~ be filed in the office of the secretary of state, who shall ~~thereupon~~ issue a certificate of amendment of the articles of incorporation, for which ~~he the~~ secretary of state ~~shall must~~ receive the sum of \$10, and ~~thereupon a certified copy of such certificate shall be filed in the office of the county clerk in which the principal office of the association is located a fee that is set and deposited in accordance with [section 1 of House Bill No. 639].~~""

**Renumber:** subsequent section

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: None.

Total 0

Excused: Masolo.

Total 1

Absent or not voting: Bitney, P. Clark, Cyr, Fuchs, Gillan, Jent, Lindeen, Mangan, Newman.

Total 9

Motion that **HB 639**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Facey, Fisher, Gallus, Kasten, Laslovich, Smith, Vick, Whitaker.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fuchs moved the Committee of the Whole report be adopted.

Representative Fuchs made a substitute motion that **HB 636** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Somerville, Steinbeisser, Tramelli, Tropila, Walters, Wanzenried, Wolery.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Vick, Chairman):

3/28/2001

**SB 326**, be amended as follows:



HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

1. Title, page 1, line 10 and line 11.

**Following:** "FUNDING;" on line 10

**Strike:** "REQUIRING" on line 10 through "COMMITTEE;" on line 11

2. Title, page 1, line 12.

**Following:** "FUNDS"

**Insert:** "ANNUALLY"

**Following:** "ACCOUNT"

**Insert:** "AND ONE TIME FROM THE RESOURCE INDEMNITY TRUST FUND"

3. Title, page 2, line 3 through line 5.

**Strike:** "SELLER AGENT" on line 3 through "SIZE" on line 5

**Insert:** "PERSON OWNING PROPERTY THAT IS OFFERED FOR SALE TO NOTIFY THE OWNER'S AGENT  
AND THE PURCHASER OF THE EXISTENCE OR POTENTIAL EXISTENCE OF NOXIOUS WEEDS  
ON THE PROPERTY"

4. Title, page 2, line 7.

**Following:** "EMERGENCIES;"

**Insert:** "DIRECTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO SPEND A PERCENTAGE OF  
MONEY IN THE HUNTER MANAGEMENT PROGRAM AND THE HUNTING ACCESS  
ENHANCEMENT PROGRAM ON DEPARTMENTAL WEED CONTROL PROGRAMS;"

5. Title, page 2, line 8.

**Following:** "7-22-2111,"

**Insert:** "7-22-2116,"

6. Title, page 2, line 9.

**Strike:** "37-51-313,"

7. Title, page 2, line 11.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

8. Page 5, line 3.

**Following:** "funds."

**Insert:** "(1)"

9. Page 5.

**Following:** line 5

**Insert:** "(2) There is a one-time transfer in fiscal year 2003 of up to \$500,000 from the resource indemnity trust fund,  
as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100  
million for the purposes provided in [section 3]."

10. Page 5, line 9.

**Strike:** "60% of"

11. Page 5, line 13 through line 15.

**Strike:** subsection (2) in its entirety

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Renumber:** subsequent subsection

12. Page 8, line 1.

**Insert:** "**Section 8.** Section 7-22-2116, MCA, is amended to read:

**"7-22-2116. Unlawful to permit noxious weeds to propagate --notice required in sale.** (1) It is unlawful for any person to permit any noxious weed to propagate or go to seed on ~~his~~ the person's land, except that any person who adheres to the noxious weed management program of ~~his~~ the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

(2) When property is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of the existence or potential existence of noxious weeds on the property offered for sale."

**Renumber:** subsequent sections

13. Page 27, line 17 through page 30, line 21.

**Strike:** section 18 in its entirety

**Renumber:** subsequent sections

14. Page 37, line 24.

**Insert:** "**NEW SECTION. Section 26. Expenditure of program funds on weed control.** The legislature recognizes that the hunter management and hunting access enhancement programs in 87-1-265 through 87-1-267 have successfully encouraged landowners to increase public access to private lands for purposes of hunting, but that increased public access may also contribute to an increase in the spread of noxious weeds on public and private lands. Therefore, in an effort to improve management and services related to those programs, the department may offer up to 5% in additional incentive payments to landowners who agree to use those payments for specific weed management activities on lands under their control."

**Renumber:** subsequent sections

15. Page 38, line 9.

**Insert:** "(4) [Section 26] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 26]."

16. Page 38.

**Following:** line 10

**Insert:** "**NEW SECTION. Section 29. Termination.** [Section 26] terminates March 1, 2006."

And, as amended, be concurred in. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

3/28/2001

**SB 322**, be amended as follows:

1. Title, page 1, line 13.

**Following:** "~~MCA~~;"

**Insert:** "DEPOSITING A PORTION OF THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAXES IN THE NATURAL RESOURCE WORKERS' TUITION SCHOLARSHIP ACCOUNT; AMENDING 15-38-106, MCA;"

2. Page 2, line 2.

**Strike:** "5"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Insert:** "6"

3. Page 2, line 13.

**Strike:** "5"

**Insert:** "6"

4. Page 3, line 3.

**Following:** "annual"

**Insert:** "annual"

5. Page 3, line 5.

**Following:** "6"

**Insert:** "from the natural resource workers' tuition scholarship account established in [section 6]"

6. Page 3, line 11.

**Following:** "account"

**Insert:** "from the natural resource workers' tuition scholarship account"

7. Page 8, line 15.

**Following:** line 14

**Insert:** "NEW SECTION. Section 6. Natural resource workers' tuition scholarship account -- proration of tuition scholarships."

(1) There is a natural resource workers' tuition scholarship account in the state special revenue fund provided for in 17-2-102.

(2) Money allocated from the resource indemnity and ground water assessment taxes under 15-38-106 must be deposited into the account to the credit of the department of labor and industry to fund tuition scholarships awarded pursuant to [sections 1 through 5] and to pay costs associated with administering the scholarship program. The department shall transfer funds to the adult education account in the office of public instruction, to the appropriate fund in a community college or tribal college located in Montana, or to the appropriate tuition fund in the appropriate unit of the university system.

(3) Money on deposit in the account may not revert to the general fund at the close of any fiscal year. After the initial allocation of money from 15-38-106 in the first year following [the effective date of this section], the amount of money allocated under 15-38-106 at the beginning of each succeeding fiscal year may be only the amount necessary to restore the balance of the scholarship to \$150,000.

(4) If funds appropriated are not adequate to provide the maximum allowable tuition scholarships to each eligible individual, the tuition scholarships must be prorated for all eligible individuals, using a percentage reduction adopted by the department of labor and industry."

**Insert:** "**Section 7.** Section 15-38-106, MCA, is amended to read:

**"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds.** (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following order:

(a) 50% of the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type;

(b) \$300,000 of the ~~remaining~~ proceeds of the resource indemnity and ground water assessment taxes in the ground water assessment account established by 85-2-905;

(c) 50% of the remaining proceeds in the reclamation and development grants account established by 90-2-1104; and

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

(d) all remaining proceeds in the orphan share account established in 75-10-743.

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.

**15-38-106. (Effective on occurrence of contingency) Payment of tax -- records -- collection of taxes -- refunds.** (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following order:

(a) \$366,000 of the proceeds of the resource indemnity and ground water assessment taxes in the ground water assessment account established by 85-2-905;

(b) \$150,000 of the proceeds of the resource indemnity and ground water assessment taxes in the natural resource workers' tuition scholarship account established in [section 6] for the first fiscal year following [the effective date of this section] and for succeeding fiscal years, the amount required under [section 6(3)];

~~(b)(c)~~ 50% of the remaining proceeds in the orphan share account established in 75-10-743; and

~~(c)(d)~~ all remaining proceeds in the reclamation and development grants account established by 90-2-1104, for the purpose of making grants to be used for mineral development reclamation projects.

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.""

**Renumber:** subsequent sections

8. Page 8, line 15.

**Strike:** "5"

**Insert:** "6"

9. Page 8, line 16.

**Strike:** "5"

**Insert:** "6"

10. Page 8, line 18 through line 21.

**Strike:** section 7 in its entirety

11. Page 8, line 26.

**Strike:** ", 2001"

**Insert:** "immediately following the date that the governor by executive order certifies to the secretary of state that the resource indemnity trust fund balance has reached \$100 million and applies to the then-current academic year"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

12. Page 9, line 2.

**Strike:** "[This act]" through "2006."

**Insert:** "(1) [Sections 6(2) and 7] terminate on June 30, 5 years after [the effective date provided in section 9(1)].

(2) [Sections 1 through 5, 6(1), 6(3), and 6(4) terminate on June 30, 6 years after [the effective date provided in section 9(1)]."

And, as amended, be concurred in. Report adopted.

**SB 339**, be amended as follows:

1. Page 20, line 11.

**Following:** "(2)."

**Insert:** "Prior to and during the development of an agreement, the department shall ensure the participation of the tribal government in the development of a plan for any county that serves an Indian reservation."

2. Page 40, line 11.

**Insert:** "NEW SECTION. Section 44. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

**Renumber:** subsequent sections

3. Page 40, line 16.

**Following:** "INSTRUCTION."

**Insert:** "(1)"

4. Page 40.

**Following:** line 19

**Insert:** "(2) If Senate Bill No. 77 is passed and approved and if it includes a section amending or repealing 53-2-613, then [section 24 of this act], amending 53-2-613, is void."

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

3/28/2001

**SB 377**, be amended as follows:

1. Title, line 8.

**Strike:** "REQUIRING"

**Insert:** "PROVIDING"

**Following:** "THAT"

**Strike:** "ADMINISTRATIVE OR"

2. Title, line 9.

**Following:** "ACT"

**Strike:** "BE BROUGHT"

**Insert:** "MAY ONLY BE BROUGHT IN DISTRICT COURT OR FEDERAL COURT"

3. Title, line 10.

**Following:** "ACTION;"

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Strike:** "AMENDING SECTION 75-1-201, MCA"

**Insert:** "PROVIDING AN EXCEPTION TO PERMITTING TIME LIMITS IF BOARD REVIEW OF CERTAIN AGENCY DECISIONS IS REQUESTED; AMENDING SECTIONS 75-1-201, 75-2-211, 75-2-218, 75-10-922, 75-20-216, 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, AND 82-4-432, MCA"

4. Page 2, line 4.

**Following:** "(4)"

**Insert:** "(a)"

5. Page 2, line 8.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

6. Page 2, line 11.

**Strike:** "365"

**Insert:** "180"

7. Page 2.

**Following:** line 11

**Insert:** "(b) The period of time between the request for a review by a board and the completion of a review by a board under [section 1(5) of Senate Bill No. 408, section 1(1)(b)(iv)(C)(III) of House Bill No. 459,] or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting in 75-2-211, 75-2-218, 75-10-922, 75-20-216, 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, and 82-4-432."

8. Page 3, line 12 through line 15.

**Strike:** "THE PERIOD" on line 12 through "SECTION." on line 15

9. Page 4, line 4.

**Strike:** ", UNLESS OTHERWISE PROVIDED BY LAW,"

**Insert:** ", for the purpose of complying with this part,"

10. Page 4, line 6.

**Following:** "application"

**Strike:** remainder of line 6

**Insert:** "sufficient for the agency to approve the application under the applicable statutes and rules."

11. Page 4, line 11.

**Strike:** "an"

**Insert:** "a state"

12. Page 4, line 13.

**Following:** "environment"

**Insert:** "as required under this part"

13. Page 4, line 15.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Following:** "involves"

**Insert:** "state agency-initiated actions on"

14. Page 7, line 3.

**Following:** "ACTION"

**Insert:** "and may only be brought in district court or in federal court, whichever is appropriate"

15. Page 7, line 6 through line 8.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

16. Page 7, line 9.

**Following:** "(4)(a)"

**Strike:** "that is brought before a district court"

17. Page 7.

**Following:** line 10

**Insert:** "**Section 4.** Section 75-2-211, MCA, is amended to read:

**"75-2-211. Permits for construction, installation, alteration, or use.** (1) The board shall by rule provide for the issuance, modification, suspension, revocation, and renewal of a permit issued under this part.

(2) ~~Not~~ Except as provided in [section 1(4)(b)], not later than 180 days before construction, installation, or alteration begins or as a condition of use of any machine, equipment, device, or facility that the board finds may directly or indirectly cause or contribute to air pollution or that is intended primarily to prevent or control the emission of air pollutants, the owner or operator shall file with the department the appropriate permit application on forms available from the department.

(3) The permit program administered by the department pursuant to this section must include the following:

(a) requirements and procedures for permit applications, including standard application forms;

(b) requirements and procedures for submittal of information necessary to determine the location, quantity, and type of emissions;

(c) procedures for public notice and opportunity for comment or public hearing, as appropriate;

(d) procedures for providing notice and an opportunity for comment to contiguous states and federal agencies, as appropriate;

(e) requirements for inspection, monitoring, recordkeeping, and reporting;

(f) procedures for the transfer of permits;

(g) requirements and procedures for suspension, modification, and revocation of permits by the department;

(h) requirements and procedures for appropriate emission limitations and other requirements, including enforceable measures necessary to ensure compliance with those limitations and requirements;

(i) requirements and procedures for permit modification and amendment; and

(j) requirements and procedures for issuing a single permit authorizing emissions from similar operations at multiple temporary locations, which permit may include conditions necessary to ensure compliance with the requirements of this chapter at all authorized locations and a requirement that the owner or operator notify the department in advance of each change in location.

(4) This section does not restrict the board's authority to adopt regulations providing for a single air quality permit system.

(5) Department approval of an application to transfer a portable emission source from one location to another is exempt from the provisions of 75-1-201(1).

(6) The department may, for good cause shown, waive or shorten the time required for filing the appropriate applications.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

(7) The department shall require that applications for permits be accompanied by any plans, specifications, and other information that it considers necessary.

(8) An application is not considered filed until the applicant has submitted all fees required under 75-2-220 and all information and completed application forms required pursuant to subsections (2), (3), and (7) of this section. If the department fails to notify the applicant in writing within 30 days after the purported filing of an application that the application is incomplete and fails to list the reasons why the application is considered incomplete, the application is considered filed as of the date of the purported filing.

(9) (a) ~~If Except as provided in [section 1(4)(b)],~~ if an application for a permit requires the preparation of an environmental impact statement under the Montana Environmental Policy Act, Title 75, chapter 1, parts 1 through 3, the department shall notify the applicant in writing of the approval or denial of the application within:

(i) 180 days after the department's receipt of a filed application, as provided in subsection (8), if the department prepares the environmental impact statement;

(ii) 30 days after issuance of the final environmental impact statement by the lead agency if a state agency other than the department has been designated by the governor as lead agency for preparation of the environmental impact statement; or

(iii) if the application is for a machine, equipment, a device, or a facility at an operation that requires a permit under Title 82, chapter 4, part 1, 2, or 3, 30 days of issuance of the final environmental impact statement in accordance with time requirements of Title 82, chapter 4, part 1, 2, or 3.

(b) If an application does not require the preparation of an environmental impact statement, the department shall notify the applicant in writing within 60 days after its receipt of a filed application, as provided in subsection (8), of its approval or denial of the application. The time for notification may be extended for 30 days by written agreement of the department and the applicant. Additional 30-day extensions may be granted by the department on request of the applicant. Notification of approval or denial may be served personally or by certified mail on the applicant or the applicant's agent.

(c) If an application for a permit is for the construction, installation, alteration, or use of a source that is also required to obtain a license pursuant to 75-10-221 or a permit pursuant to 75-10-406, the department shall act on the permit application within the time period provided for in 75-2-215(3)(e).

(d) Failure by the department to act in a timely manner does not constitute approval or denial of the application. This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner.

(10) When the department approves or denies the application for a permit under this section, a person who is jointly or severally adversely affected by the department's decision may request a hearing before the board. The request for hearing must be filed within 15 days after the department renders its decision and must include an affidavit setting forth the grounds for the request. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection.

(11) The department's decision on the application is not final unless 15 days have elapsed from the date of the decision and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the department's decision until the conclusion of the hearing and issuance of a final decision by the board.""

**Insert: "Section 5.** Section 75-2-218, MCA, is amended to read:

**"75-2-218. Permits for operation -- application completeness -- action by department -- application shield -- review by board.** (1) An application for an operating permit or renewal is not considered filed until the department has determined that it is complete. An application is complete if all fees required under 75-2-220 and all information and completed application forms required under 75-2-217 have been submitted. A complete application must contain all of the information required for the department to begin processing the application. If the department fails to notify the applicant in writing within 60 days after submittal of an application that the application is incomplete and fails to list the reasons why the application is considered incomplete, the application is considered filed on the date of the department's receipt of the application. The department may request additional information after a completeness



HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

determination has been made. The department shall adopt rules that contain criteria for use in determining both when an application is complete and when additional information is required after a completeness determination has been made.

(2) Except as provided in [section 1(4)(b)] and subsection (3) of this section, the department shall, consistent with the procedures established under 75-2-217, approve or disapprove a complete application for an operating permit or renewal and shall issue or deny the permit or renewal within 18 months after the date of filing. Failure of the department to act in a timely manner does not constitute approval or denial of the application. This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner.

(3) The board may by rule provide for a transition schedule for both the submittal to the department of initial applications for operating permits by existing sources and action by the department on these initial permit applications. The board may require that one-third of all operating permit applications required for existing sources be submitted within the first calendar year after the adoption of rules implementing an operating permit program under 75-2-217. Any transition schedule for action by the department must ensure that all permit applications required under 75-2-217 and this subsection for existing sources will be acted upon by the department before November 15, 1997.

(4) If an applicant submits a timely and complete application for an operating permit, the applicant's failure to hold a valid operating permit is not a violation of 75-2-217. If an applicant submits a timely and complete application for an operating permit renewal, the expiration of the applicant's existing operating permit is not a violation of 75-2-217. The applicant shall continue to be subject to the terms and conditions of the expired operating permit until the operating permit is renewed and is subject to the application of 75-2-217. The applicant is not entitled to the protection of this subsection if the delay in final action by the department on the application results from the applicant's failure to submit in a timely manner information requested by the department to process the application.

(5) Except as provided in subsection (8), if the department approves or denies an application for an operating permit or the renewal, modification, or amendment of a permit under 75-2-217 and this section, any person that participated in the public comment process required under 75-2-217(7) may request a hearing before the board. The request for hearing must be filed within 30 days after the department renders its decision and must include an affidavit setting forth the grounds for the request. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection.

(6) Except as provided in subsection (8), the department's decision on any application is not final until 30 days have elapsed from the date of the decision and there is no request for a hearing under this section. The filing of a request for hearing postpones the effective date of the department's decision until the conclusion of the hearing and issuance of a final decision by the board.

(7) The requirements of subsections (5) and (6) apply to any action initiated by the department to suspend, revoke, modify, or amend an operating permit issued under this section.

(8) The denial by the department of an application under 75-2-217 and this section is not subject to review by the board or judicial review if the basis for denial is the written objection of the appropriate federal agency acting pursuant to the federal Clean Air Act, 42 U.S.C. 7401, et seq.

(9) Compliance with an operating permit granted or renewed under 75-2-217 and this section is considered to be in compliance with the requirements of this chapter only if the permit expressly includes those requirements or an express determination that those requirements are not applicable. This subsection does not apply to general permits provided for under 75-2-217."

**Insert: "Section 6.** Section 75-10-922, MCA, is amended to read:

**"75-10-922. Study, evaluation, and report on proposed facility.** (1) After receipt of an application, the department shall within 90 days notify the applicant in writing that:

(a) the application is accepted as complete; or  
(b) the application is not complete and list the deficiencies. Upon correction of these deficiencies and resubmission by the applicant, the department shall within 30 days notify the applicant in writing that the application is in compliance and is accepted as complete.

(2) Upon receipt of an application complying with 75-10-913, 75-10-914, and 75-10-916 through 75-10-922,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

the department shall commence an intensive study and evaluation of the proposed facility and its effects, considering all applicable criteria listed in 75-10-929. The department shall use, to the extent it considers applicable, valid and useful existing studies and reports submitted by the applicant or compiled by a state or federal agency.

(3) ~~Within~~ Except as provided in [section 1(4)(b)], within 1 year following acceptance of a complete application for a facility, the department shall make a report to the board that must contain the department's studies, evaluations, recommendations, other pertinent documents resulting from its study and evaluation, and an environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act, Title 75, chapter 1, if applicable."

**Insert: "Section 7.** Section 75-20-216, MCA, is amended to read:

**"75-20-216. Study, evaluation, and report on proposed facility -- assistance by other agencies.** (1) After receipt of an application, the department shall within 60 days notify the applicant in writing that:

(a) the application is in compliance and is accepted as complete; or  
(b) the application is not in compliance and shall list the deficiencies. Upon correction of these deficiencies and resubmission by the applicant, the department shall within 30 days notify the applicant in writing that the application is in compliance and is accepted as complete.

(2) Upon receipt of an application complying with 75-20-211 through 75-20-213, 75-20-215, and this section, the department shall commence an intensive study and evaluation of the proposed facility and its effects, considering all applicable criteria listed in 75-20-301, and shall issue a decision, opinion, order, certification, or permit as provided in subsection (3). The department shall use, to the extent that it considers applicable, valid and useful existing studies and reports submitted by the applicant or compiled by a state or federal agency.

(3) Except as provided for in [section 1(4)(b)] and 75-20-231, the department shall issue within 1 year following the date of acceptance of an application any decision, opinion, order, certification, or permit required under the laws, other than those contained in this part, administered by the department. A decision, opinion, order, certification, or permit, with or without conditions, must be made under those laws. Nevertheless, the department retains authority to make the determination required under 75-20-301(1)(c) or (3). The decision, opinion, order, certification, or permit must be used in the final site selection process. Prior to the issuance of a preliminary decision by the department and pursuant to rules adopted by the department, the department shall provide an opportunity for public review and comment.

(4) Except as provided in [section 1(4)(b)] and 75-20-231, within 1 year following acceptance of an application for a facility, the department shall issue a report that must contain the department's studies, evaluations, recommendations, other pertinent documents resulting from its study and evaluation, and an environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act, if any. If the application is for a combination of two or more facilities, the department shall issue its report within the greater of the lengths of time provided for in this subsection for either of the facilities.

(5) For projects subject to joint review by the department and a federal land management agency, the department's certification decision may be timed to correspond to the record of decision issued by the participating federal agency.

(6) The departments of transportation; commerce; fish, wildlife, and parks; natural resources and conservation; revenue; and public service regulation shall report to the department information relating to the impact of the proposed site on each department's area of expertise. The report may include opinions as to the advisability of granting, denying, or modifying the certificate. The department shall allocate funds obtained from filing fees to the departments making reports to reimburse them for the costs of compiling information and issuing the required report."

**Insert: "Section 8.** Section 75-20-231, MCA, is amended to read:

**"75-20-231. Expedited review.** (1) ~~The~~ Except as provided in [section 1(4)(b)], the department shall issue a certification decision within 180 days from the date on which an application is considered complete for a facility that:

(a) is unlikely to result in significant adverse environmental impacts based on the criteria listed in 75-20-232;  
or  
(b) is presently in existence and proposed for upgrade, reconstruction, or relocation and is unlikely to result

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

in significant impacts pursuant to 75-20-232.

(2) A facility that qualifies for expedited review is exempt from undergoing an alternative siting study, except as provided in 75-1-201."

**Insert: "Section 9.** Section 76-4-125, MCA, is amended to read:

**"76-4-125. Review of development plans -- land divisions excluded from review.** (1) Plans and specifications of a subdivision, as defined in this part, must be submitted to the reviewing authority, and the reviewing authority shall indicate by certificate that it has approved the plans and specifications and that the subdivision is not subject to a sanitary restriction. The plan review by the reviewing authority must be as follows:

(a) At any time after the developer has submitted an application under the Montana Subdivision and Platting Act, the developer shall present to the reviewing authority a preliminary plan of the proposed development, whatever information the developer feels necessary for its subsequent review, and information required by the reviewing authority.

(b) ~~The Except as provided in [section 1(4)(b)],~~ the reviewing authority shall give final action of the proposed plan within 60 days unless an environmental impact statement is required, at which time this deadline may be increased to 120 days.

(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(a) the exclusions cited in 76-3-201 and 76-3-204;

(b) divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that a dwelling or structure requiring water or sewage disposal may not be erected on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision;

(c) divisions made for purposes other than the construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule; and

(d) subject to the provisions of subsection (3), a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer, if:

(i) the remainder is served by a public or multifamily sewage system approved before January 1, 1997, pursuant to local regulations or this chapter; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or this chapter.

(3) Consistent with the applicable provisions of 50-2-116(1)(i), a local health officer may require that, prior to the transfer of the parcel to be segregated from the remainder referenced in subsection (2)(d)(ii), the remainder include acreage or features sufficient to accommodate a replacement drainfield."

**Insert: "Section 10.** Section 82-4-122, MCA, is amended to read:

**"82-4-122. Application and approval of permit.** (1) A person desiring a mine-site location permit shall file with the department an application ~~which shall~~ that must contain a reclamation plan for any preparatory work and ~~such~~ any other information the department ~~deems~~ considers necessary to determine if the proposed area to be affected by the operation is appropriate for the location of a new strip mine or a new underground mine. The department may require any information included in but not limited to an application for a strip-mining permit or underground-mining permit as required by part 2 of this chapter.

(2) ~~The Except as provided in [section 1(4)(b)],~~ the department shall notify the applicant within 365 days of receipt of a complete application if the proposed site is an acceptable location for development of a new strip mine or a new underground mine. If the site is approved, the department shall issue the applicant a mine-site location permit. If the location is not approved, the department shall notify the applicant in writing, setting forth reasons why the location is not acceptable. The department shall also notify the applicant within 365 days of receipt of a complete application whether the proposed reclamation plan is or is not acceptable. If the plan is not acceptable, the department shall set forth the reasons for nonacceptance of the plan. It may propose modifications, delete areas, or reject the entire plan."

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**Insert: "Section 11.** Section 82-4-231, MCA, is amended to read:

**"82-4-231. Submission of and action on reclamation plan.** (1) As rapidly, completely, and effectively as the most modern technology and the most advanced state of the art will allow, each operator granted a permit under this part shall reclaim and revegetate the land affected by the operation, except that underground tunnels, shafts, or other subsurface excavations need not be revegetated. Under the provisions of this part and rules adopted by the board, an operator shall prepare and carry out a method of operation, plan of grading, backfilling, highwall reduction, subsidence stabilization, water control, topsoiling, and a reclamation plan for the area of land affected by the operation. In developing a method of operation and plans of backfilling, subsidence stabilization, water control, grading, highwall reduction, topsoiling, and reclamation, all measures ~~shall~~ must be taken to eliminate damages to landowners and members of the public, their real and personal property, public roads, streams, and all other public property from soil erosion, subsidence, landslides, water pollution, and hazards dangerous to life and property.

(2) The reclamation plan ~~shall~~ must set forth in detail the manner in which the applicant intends to comply with this section and 82-4-232 through 82-4-234, as amended, and the steps to be taken to comply with applicable air and water quality laws and rules and any applicable health and safety standards.

(3) The application for permit or major revision of a permit, which ~~shall~~ must contain the reclamation plan, ~~shall~~ must be submitted to the department.

(4) The department shall determine whether the application is administratively complete. An application is administratively complete if it contains information addressing each application requirement in 82-4-222 and the rules implementing that section and all information necessary to initiate processing and public review. The department shall notify the applicant in writing of its determination no later than 90 days after submittal of the application. If the department determines that the application is not administratively complete, it shall specify in the notice those items ~~which that~~ the application must address. The application ~~shall be~~ is presumed administratively complete as to those requirements not specified in the notice.

(5) If the department determines that an environmental impact statement on the application is required, it shall notify the applicant in writing at the same time it gives the applicant notice pursuant to subsection (4).

(6) After the applicant receives notice that the application is administratively complete, the applicant shall publish notice of filing of the application once a week for 4 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. The department shall notify various local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the proposed mining will take place of the application and provide a reasonable time for them to submit written comments. Any person having an interest ~~which that~~ is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority ~~shall have the right to~~ may file written objections to the proposed initial or revised application for permit or major revision within 30 days of the applicant's published notice. If written objections are filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 30 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons ~~therefor~~ for its decision within 60 days of the informal conference. The department may arrange with the applicant upon request by any party to the administrative proceeding for access to the proposed mining area for the purpose of gathering information relevant to the proceeding.

(7) The filing of written objections or a request for an informal conference ~~shall~~ may not preclude the department from proceeding with its review of the application as specified in subsection (8).

(8) (a) The department shall review each administratively complete application and determine the acceptability of the application. During the review, the department may propose modifications to the application or delete areas from the application in accordance with the requirements of 82-4-227. A complete application is considered acceptable when the application is in compliance with all of the applicable requirements of this part and the regulatory program pursuant to this part.

(b) If the applicant significantly modifies the application after the application has been determined administratively complete in accordance with subsection (4), the department shall under this section either deny the application or conduct a new review, including an administrative completeness determination, public notice, and

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

objection period.

(c) If an environmental impact statement is determined to be necessary prior to making a permit decision, the department shall complete and publish the final environmental impact statement within 365 days of the date of notice provided pursuant to subsection (5).

(d) ~~Within~~ Except as provided in [section 1(4)(b)], within 120 days after it determines that an application is administratively complete, the department shall notify the applicant in writing whether the application is or is not acceptable. If the application is not acceptable, the department shall set forth the reasons why it is not acceptable, and it may propose modifications, delete areas, or reject the entire application. All items not specified as unacceptable in the department's notification are presumed to be acceptable. ~~If~~ Except as provided in [section 1(4)(b)], if the applicant revises the application in response to a notice of unacceptability, the department shall review the revised application and notify the applicant in writing within 120 days of the date of receipt whether the revised application is acceptable. If the revision constitutes a significant modification under subsection (8)(b), the department shall conduct a new review, beginning with an administrative completeness determination.

(e) When the application is determined to be acceptable, the department shall publish notice of its determination once a week for 2 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. Any person having an interest that is or may be adversely affected may file a written objection to the determination within 10 days of the department's last published notice. If a written objection is filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 20 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons therefor within 10 days of the informal conference.

(f) ~~The~~ Except as provided in [section 1(4)(b)], the department shall prepare written findings granting or denying the permit or major revision application in whole or in part no later than 45 days from the date the application is determined acceptable or from the publication of the final environmental impact statement, whichever occurs later. However, if lands subject to the federal lands program are included in the application for permit or major revision, the department shall prepare and submit written findings to the federal regulatory authority. If the department's decision is to grant the permit, the department shall issue the permit on the date of its written finding or, if any federal concurrence is necessary, on the date when ~~such~~ the concurrence is obtained. If the application is denied, specific reasons for the denial must be set forth in the written notification to the applicant.

(g) If the department fails to act within the times specified in this subsection (8), it shall immediately notify the board in writing of its failure to comply and the reasons for the failure to comply.

(9) The applicant, a landowner, or any person with an interest that is or may be adversely affected by the department's permit decision may within 30 days of that decision submit a written notice requesting a hearing. The notice must contain the grounds upon which the requester contends that the decision is in error. The hearing ~~shall~~ must be held within 30 days of the request. For purposes of a hearing, the department may order site inspections of the area pertinent to the application. The department shall within 20 days of the hearing notify the person who requested the hearing, by certified mail, and all other persons, by regular mail, of the findings and decisions. No person who presided at the informal conference may either preside at the hearing or participate in the decision thereon.

(10) In addition to the method of operation, grading, backfilling, subsidence stabilization, water control, highwall reduction, topsoiling, and reclamation requirements of this part and rules adopted under this part, the operator, consistent with the directives of subsection (1) of this section, shall:

(a) bury under adequate fill all toxic materials, shale, mineral, or any other material determined by the department to be acid producing, toxic, undesirable, or creating a hazard;

(b) as directed by rules seal off tunnels, shafts, or other openings or any breakthrough of water creating a hazard;

(c) impound, drain, or treat all runoff or underground mine waters so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

(d) remove or bury all metal, lumber, and other refuse resulting from the operation;

(e) use explosives in connection with the operation only in accordance with department regulations designed to minimize noise, damage to adjacent lands, and water pollution and ensure public safety and for other purposes;

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

(f) adopt measures to prevent land subsidence unless the department approves a plan for inducing subsidence into an abandoned operation in a predictable and controlled manner with measures for grading, topsoiling, and revegetating the subsided land surface. In order for a controlled subsidence plan to be approved, the applicant ~~must~~ is required to show that subsidence will not cause a direct or indirect hazard to any public or private buildings, roads, facilities, or use areas, constitute a hazard to human life or health, or constitute a hazard to domestic livestock or to a viable agricultural operation, or violate any other restrictions the department may consider necessary.

(g) stockpile and protect from erosion all mining and processing wastes until these wastes can be disposed of according to the provisions of this part;

(h) deposit as much stockpiled waste material as possible back into the mine voids upon abandonment in ~~such~~ a manner as to prevent or minimize land subsidence. The remaining waste material ~~shall~~ must be disposed of as provided by this part and the rules of the board.

(i) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine workings when no longer needed;

(j) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values and achieve enhancement of ~~such~~ those resources where practicable;

(k) minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface water and ground water systems both during and after strip- or underground-coal-mining operations and during reclamation by:

(i) avoiding acid or other toxic mine drainage by such measures as, but not limited to:

(A) preventing or removing water from contact with toxic-producing deposits;

(B) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells and keeping acid or other toxic drainage from entering ground and surface waters;

(ii) (A) conducting strip- or underground-mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, ~~but in no event shall~~ contributions may not be in excess of requirements set by applicable state or federal law;

(B) constructing any siltation structures pursuant to subsection (10)(k)(ii)(A) prior to commencement of strip- or underground-mining operations, ~~such with the~~ structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan;

(iii) cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized and depositing the silt and debris at a site and in a manner approved by the department;

(iv) restoring recharge capacity of the mined area to approximate premining conditions;

(v) avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(vi) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country; and

(vii) ~~such~~ any other actions as the department may prescribe;

(l) conduct strip- or underground-mine operations in accordance with the approved coal conservation plan;

(m) stabilize and protect all surface areas, including spoil piles, to effectively control air pollution;

(n) seal all auger holes with an impervious and noncombustible material in order to prevent drainage except ~~where~~ when the department determines that the resulting impoundment of water in ~~such the~~ the auger holes may create a hazard to the environment or the public health and safety;

(o) develop contingency plans to prevent sustained combustion;

(p) refrain from construction of roads or other access ways up a streambed or drainage channel or in ~~such~~ the proximity to ~~such the~~ the channel so as to seriously alter the normal flow of water;

(q) meet ~~such~~ the other criteria as are necessary to achieve reclamation in accordance with the purposes of this

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

part, taking into consideration the physical, climatological, and other characteristics of the site;

(r) with regard to underground mines, eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(s) locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(11) An operator may not throw, dump, pile, or permit the dumping, piling, or throwing or otherwise placing any overburden, stones, rocks, mineral, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which a bond has been posted under 82-4-223, as amended, or place the materials described in this section in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of that area of land. An operator shall conduct the strip- or underground-mining operation in such a manner as to protect areas outside the permit area.""

**Insert: "Section 12.** Section 82-4-337, MCA, is amended to read:

**"82-4-337. Inspection -- issuance of operating permit -- modification, amendment, or revision.** (1) (a)

The department shall review all applications for operating permits for completeness within 60 days of receipt of the initial application and within 30 days of receipt of responses to notices of deficiencies. The initial completeness notice must note all deficiency issues, and the department may not in a later completeness notice raise an issue pertaining to the initial application that was not raised in the initial notice. The department may, however, raise any deficiency during the adequacy review pursuant to subsection (1)(b). The department shall notify the applicant concerning completeness as soon as possible. An application is considered complete unless the applicant is notified of any deficiencies within the appropriate review period.

(b) ~~Unless Except as provided in [section 1(4)(b)], unless~~ the review period is extended as provided in this section, the department shall review the adequacy of the proposed reclamation plan and plan of operation within 30 days of the determination that the application is complete or within 60 days of receipt of the application if the department does not notify the applicant of any deficiencies in the application. If the applicant is not notified of deficiencies or inadequacies in the proposed reclamation plan and plan of operation within the time period, the operating permit must be issued upon receipt of the bond as required in 82-4-338 and pursuant to the requirements of subsection (1)(c). The department shall promptly notify the applicant of the form and amount of bond that will be required.

(c) A permit may not be issued until:

(i) sufficient bond has been submitted pursuant to 82-4-338;

(ii) the information and certification have been submitted pursuant to 82-4-335(9); and

(iii) the department has found that permit issuance is not prohibited by 82-4-335(8) or 82-4-341(7).

(d) (i) Prior to issuance of a permit, the department shall inspect the site unless the department has failed to act on the application within the time prescribed in subsection (1)(b). If the site is not accessible because of extended adverse weather conditions, the department may extend the time period prescribed in subsection (1)(b) by not more than 180 days to allow inspection of the site and reasonable review. The department shall serve written notice of extension upon the applicant in person or by certified mail, and any extension is subject to appeal to the board in accordance with the Montana Administrative Procedure Act.

(ii) ~~If Except as provided in [section 1(4)(b)], if~~ the department determines that additional time is needed for analysis to determine whether a detailed environmental impact statement is necessary under 75-1-201, the department and the applicant shall negotiate to extend the period prescribed in subsection (1)(b) by not more than 75 days to permit reasonable analysis. The applicant may by written waiver extend this period.

(iii) ~~If Except as provided in [section 1(4)(b)], if~~ the department determines that additional time is needed to review the application and reclamation plan for a major operation, the department and the applicant shall negotiate to extend the period prescribed in subsection (1)(b) by not more than 365 days in order to permit reasonable review. The applicant may by written waiver extend this time period.

(iv) If the department decides to hire a third-party contractor to prepare an environmental impact statement

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

on the application, the department shall prepare a list of no fewer than four contractors acceptable to the department and shall provide the applicant with a copy of the list. The applicant shall provide the department with a list of at least 50% of the contractors from the department's list. The department shall select its contractor from the list provided by the applicant.

(v) Failure of the department to act upon a complete application within the extension period constitutes approval of the application, and the permit must be issued promptly upon receipt of the bond as required in 82-4-338.

(2) The operating permit must be granted for the period required to complete the operation and is valid until the operation authorized by the permit is completed or abandoned unless the permit is suspended or revoked by the department as provided in this part.

(3) The operating permit must provide that the reclamation plan may be modified by the department, upon proper application of the permittee or after timely notice and opportunity for hearing, at any time during the term of the permit and for any of the following reasons:

(a) to modify the requirements so that they will not conflict with existing laws;

(b) when the previously adopted reclamation plan is impossible or impracticable to implement and maintain;

(c) when significant environmental problem situations are revealed by field inspection.

(4) During the term of an operating permit, an operator may apply for an amendment or revision to the permit. The operator may not apply for an amendment to delete disturbed acreage from the permit.

(5) Applications for major amendments must be processed in the same manner as applications for new permits.

(6) Major amendments are those that may significantly affect the environment. Minor amendments are those that will not significantly affect the environment. The board may by rule establish criteria for classification of amendments as major or minor. The rules must establish requirements for the content of applications for amendments and revisions and procedures for processing of minor amendments.

(7) If the department demonstrates that a revision may result in a significant environmental impact that was not previously and substantially evaluated in an environmental impact statement, the application must be processed in the same manner as is provided for new permits. Applications Except as provided in [section 1(4)(b)], applications for minor amendments and other revisions must be processed within 30 days of receipt of an application.""

**Insert: "Section 13.** Section 82-4-432, MCA, is amended to read:

**"82-4-432. Application for permit -- contents -- issuance -- amendment.** (1) Applications for a permit must be made upon a form furnished by the department. The form must contain the following:

(a) the name of the operator and, if other than the owner of the land, the name and address of the owner;

(b) the type of operation to be conducted;

(c) the volume of earth to be removed, as accurately as the volume may then be estimated, and the volume that has been previously removed, if any;

(d) the location of the operation by legal subdivision, section, township and range, and county;

(e) the date when the operation was or will be commenced; and

(f) a statement that the applicant has the right and power by legal estate owned to mine by opencut mining the lands described.

(2) The application must be accompanied by:

(a) a bond or security meeting the requirements as set out in this part;

(b) a fee of \$50 for an application to mine bentonite, clay, scoria, sand, or gravel;

(c) a statement from the local governing body having jurisdiction over the area to be mined certifying that a proposed sand and gravel opencut mine and its operating and reclamation plans comply with applicable local zoning regulations adopted under Title 76, chapter 2; and

(d) the operator's plan of operation and a complete reclamation plan.

(3) If, prior to applying for a permit, a person notifies the department of the intention to submit an application and requests the department to examine the area to be mined, the department shall cause the area to be examined and make recommendations to the person regarding reclamation. The person may request a meeting with the department.



HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

The department shall hold a meeting if requested.

(4) ~~Upon~~ Except as provided in [section 1(4)(b)], upon receipt of a complete application containing all items listed in subsections (1) and (2), the department shall, within 30 days, notify the person if it has approved or denied the application. The department may for sufficient cause extend its period of review for an additional 30 days if it notifies the person of the extension prior to the end of the original 30-day period. Upon approval of the application, the department shall issue a permit to the operator that entitles the operator to continue or engage in opencut mining on the land described in the application.

(5) An operator desiring to have a permit amended to cover additional contiguous or nearby land may file an amended application with the department. Upon receipt of the amended application and any additional bond as may be required and upon agreement to the terms of the amendment by the parties, the department may issue an amendment to the original permit covering the additional land described in the amended application without the payment of any additional fee.

(6) An operator may withdraw any land covered by a permit, except affected land, by notifying the department of the withdrawal, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of this part must be reduced proportionately.""

**Renumber:** subsequent sections

18. Page 7.

**Following:** line 14

**Insert:** "NEW SECTION. **Section 15. Coordination instruction.** (1) If Senate Bill No. 408 is not passed and approved containing language that authorizes a board review of an agency significance determination, then the reference to Senate Bill No. 408 in [section 1(4)(b) of this act] is void.

(2) If House Bill No. 459 is not passed and approved containing language that authorizes a board review of an agency alternative analysis determination, then the reference to House Bill No. 459 in [section 1(4)(b) of this act] is void.

(3) If House Bill No. 473 and [this act] are both passed and approved, then [section 2(3)] of House Bill No. 473, defining "project sponsor", is void.

(4) If House Bill No. 459 and [this act] are both passed and approved, then [section 2(3)] of House Bill No. 459, defining "project sponsor", is void."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 636** - Representative Sliter moved consideration of **HB 636** be placed below **HB 644** on the second reading board. Motion carried.

**HB 644** - Representative Pattison moved **HB 644** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Clancy, E.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin.

Total 64

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Masolo, Mood, Musgrove, Newman, Shockley, Somerville, Vick, Walters, Wanzenried.

Total 35

Voted Absentee: Masolo, No.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 636** - Representative Fuchs moved **HB 636** do pass.

Representative Newman moved for cloture. Motion carried.

Motion that **HB 636** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Lawson, Lehman, Lewis, Mangan, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, Masolo, McCann, Musgrove, Newman, Price, Raser, Schmidt, Shockley, Smith, Somerville, Tramelli, Tropila, Walters, Wanzenried, Wolery.

Total 48

Voted Absentee: Masolo, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 474** - Representative Sliter moved **HB 474** do pass. Motion failed as follows:

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Ayes: Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, P. Clark, Curtiss, Dale, Devlin, Facey, Fuchs, Gallik, Gallus, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Keane, Laszloffy, Lawson, Lee, Lehman, Mangan, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Sliter, Steinbeisser, Thomas, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, Cyr, Davies, Dell, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Lenhart, Lewis, Lindeen, Matthews, Musgrove, K. Peterson, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Tramelli, Tropila, Vick, Walters, Wanzenried.

Total 51

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 645** - Representative Mangan moved **HB 645** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Fisher, Laszloffy, Somerville, Vick, Waitschies, Whitaker.

Total 6

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 647** - Representative Gillan moved **HB 647** do pass. Motion carried as follows:

Ayes: Bales, Balyeat, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Mr. Speaker.  
Total 74

Noes: Adams, Andersen, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Fisher, Himmelberger, Kasten, Mood, Pattison, K. Peterson, Schrumpf, Shockley, Sliter, Somerville, Story, Walters, Witt.  
Total 25

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: Younkin.  
Total 1

**HB 58** - Representative Sliter moved consideration of **HB 58** be placed at the bottom of the second reading board. Motion carried.

**HB 623** - Representative Mangan moved **HB 623** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Sliter, Smith, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt.  
Total 69

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, E. Clark, Dale, Davies, Dell, Devlin, Esp, Jackson, Kasten, Keane, Laible, Laszloffy, Pattison, K. Peterson, Rice, Ripley, Rome, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Walters, Wolery, Mr. Speaker.  
Total 30

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: Younkin.  
Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey made a motion that the Committee of the Whole report be adopted.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Representative Sliter made a substitute motion that **HB 474** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Fuchs, Gallik, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Walters, Wanzenried.

Total 40

Excused: Masolo.

Total 1

Absent or not voting: Devlin.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 248** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Esp, Fuchs, Kasten, Somerville, Vick.

Total 6

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby, E. Clark.

Total 2

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**HB 357** passed as follows:

Ayes: Andersen, Bales, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Fuchs, Haines, Hedges, Himmelberger, Holden, Jayne, Laible, Laslovich, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Whitaker, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Adams, Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, P. Clark, Cyr, Davies, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laszloffy, Lawson, Lenhart, McCann, Musgrove, K. Peterson, Schmidt, Smith, Somerville, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Wolery.

Total 46

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Carney, Forrester.

Total 2

**HB 420** passed as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 93

Noes: Bales, Barrett, Jayne, Mood, Olson, K. Peterson, Younkin.

Total 7

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 643** passed as follows:

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Younkin, Mr. Speaker.  
Total 73

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Kasten, Laszloffy, Lewis, Olson, Pattison, K. Peterson, Rice, Sliter, Somerville, Steinbeisser, Story, Waitschies, Walters, Witt, Wolery.  
Total 27

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 38** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

**SB 117** concurred in as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 70

Noes: Adams, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Curtiss, Dale, Davies, Esp, Fuchs, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, Pattison, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.

Total 30

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 128, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**SB 144** concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman,



HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Curtiss, Eggers, McCann, Somerville, Wanzenried.

Total 6

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 182, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 207, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 262, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 274, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Noes: None.  
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 282, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 290** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 95

Noes: Curtiss, Mr. Speaker.  
Total 2

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: D. Brown, Holden, Pattison.

Total 3

**SB 321** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Dale.

Total 1

Excused: Masolo.

Total 1

Absent or not voting: Carney.

Total 1

**SB 357, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Dell, Esp, Somerville.

Total 3

Excused: Masolo.

Total 1

Absent or not voting: None.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Total 0

**SB 361** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Eggers, Gallik, Gutsche, Harris, Hurdle, Jayne, Lee, Musgrove, K. Peterson.

Total 9

Excused: Masolo.

Total 1

Absent or not voting: None.

Total 0

**SB 482** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Harris, Hurdle.

Total 2

Excused: Masolo.

Total 1

Absent or not voting: None.

Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

**HB 651**, introduced by Lewis (by request of the House Appropriations Standing Committee), referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 41**, introduced by Andersen, referred to Education.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 176**, introduced by McNutt (by request of Department of Administration and the Department of Revenue), referred to Appropriations.

**SB 338**, introduced by Berry, referred to Appropriations.

**SB 483**, introduced by Christiaens, Beck, Harrington, Zook, referred to Appropriations.

Representative D. Brown excused at this time.

**MOTIONS**

Representative Sliter moved that the House reconsider its action on **SJR 17** and that it be placed on second reading today. Motion carried.

Representative Gallik moved to suspend the rules for the late drafting and transmittal of a bill. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Voted Absentee: Bitney, D. Brown, Noes.

Excused: Masolo.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 58** - Representative Sliter moved consideration of **HB 58** be placed at the bottom of the second reading board. Motion carried.

**HB 474** - Representative Sliter moved **HB 474** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bookout-Reinicke, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fuchs, Gallik, Hedges, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Voted Absentee: Masolo, Aye.

Excused: Bitney, D. Brown.

Total 2

Absent or not voting: None.

Total 0

**SJR 17** - Representative Shockley moved **SJR 17** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Fritz, Fuchs, Galvin-Halcro, Gutsche, Keane, Laslovich, Raser, Waddill, Wanzenried.

Total 9

Voted Absentee: D. Brown, R. Brown, Ayes.

HOUSE JOURNAL  
SEVENTIETH LEGISLATIVE DAY - MARCH 28, 2001

Excused: Bitney, Masolo.  
Total 2

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Branae, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 70

Noes: Bixby, Callahan, Carney, P. Clark, Eggers, Fritz, Gallik, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lawson, Musgrove, Schmidt, Smith, Tramelli.  
Total 20

Excused: Bitney, D. Brown, Masolo.  
Total 3

Absent or not voting: Bookout-Reinicke, Erickson, Forrester, Hedges, Laszloffy, Lee, Vick.  
Total 7

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Thursday, March 29, 2001. Motion carried.

House adjourned at 7:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 29, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Sliter. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Mangan and Younkin, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/29/2001

Correctly printed: **HB 277, SB 57, SB 65, SB 138, SB 163, SB 240, SB 241, SB 242, SB 243, SB 248, SB 286, SB 289, SB 304, SB 315, SB 322, SB 326, SB 329, SB 333, SB 339, SB 340, SB 377, SB 389, SB 396, SB 397, SB 398, SB 405, SB 407, SB 420, SB 429, SB 431, SB 437, SB 454, SB 477, SB 480, SB 489, SJR 12, SJR 13.**

Correctly engrossed: **HB 69, HB 121, HB 221, HB 474, HB 600, HB 623, HB 632, HB 636, HB 639, HB 640, HB 644, HB 645, HB 646, HB 647, HB 650, SB 31, SB 89, SB 151, SB 152, SB 256, SB 300, SB 309, SB 310, SB 348, SB 380, SB 441, SJR 17.**

Correctly enrolled: **HB 190, HB 213, HB 219, HB 332, HB 408, HB 419, HB 444, HJR 24, HJR 25, HJR 29, HJR 33.**

Examined by the sponsor and found to be correct: **HB 190, HB 213, HB 219, HB 332, HB 408, HB 419, HB 444, HJR 24, HJR 25, HJR 29, HJR 33.**

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/28/2001

**HB 213**, introduced by Newman  
**HB 219**, introduced by McKenney  
**HB 332**, introduced by Dale  
**HB 419**, introduced by Shockley  
**HB 444**, introduced by Somerville

House joint resolutions concurred in and returned to the House:

3/28/2001

**HJR 25**, introduced by Haines  
**HJR 33**, introduced by Gillan

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/28/2001

**HB 42**, introduced by Masolo  
**HB 151**, introduced by Newman  
**HB 208**, introduced by Harris  
**HB 261**, introduced by Jent  
**HB 295**, introduced by Jent  
**HB 319**, introduced by Galvin-Halcro

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**HB 334**, introduced by Lenhart  
**HB 359**, introduced by P. Clark  
**HB 418**, introduced by Younkin  
**HB 496**, introduced by Jent  
**HB 521**, introduced by Newman  
**HB 539**, introduced by Mangan  
**HB 570**, introduced by Shockley  
**HB 612**, introduced by R. Brown

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 58** - Representative Sliter moved consideration of **HB 58** be placed below **SB 31** on the second reading board. Motion carried.

**SB 131** - Representative Sliter moved consideration of **SB 131** be placed at the bottom of the second reading board. Motion carried.

**SB 323** - Representative Sliter moved consideration of **SB 323** be passed for the day. Motion carried.

**SB 31** - Representative Dale moved **SB 31** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Buzzas, Erickson, Facey, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jacobson, Kaufmann, Wanzenried.  
Total 10

Voted Absentee: Mangan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**HB 58** - Representative Erickson moved **HB 58** do pass.

Representative Younkin present at this time.

**HB 58** - Representative Erickson moved **HB 58**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

**Strike:** "56"

**Insert:** "36"

2. Title, page 1, line 7.

**Strike:** "50"

**Insert:** "25"

3. Title, page 1, line 10 through line 11.

**Strike:** "PROVIDING" on line 10 through "ELECTION;" on line 11

4. Page 1, line 21.

**Strike:** "56"

**Insert:** "36"

5. Page 2, line 24.

**Strike:** "3.6%"

**Insert:** "5.8% "

6. Page 2, line 27.

**Strike:** "91.3%"

**Insert:** "86.2% "

7. Page 2, line 30.

**Strike:** "5.1%"

**Insert:** "8% "

8. Page 3, line 12.

**Strike:** "50%"

**Insert:** "25% "

9. Page 3, line 20 through line 21.

**Following:** "FUND"

**Strike:** "." through "USED" on line 21

**Insert:** "["

10. Page 4, line 1.

**Strike:** "2002"

**Insert:** "2001"

11. Page 4, line 5.

**Strike:** "THIS ACT"

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**Insert:** "[this act]"

12. Page 4, line 8 through line 9.

**Strike:** "IF" on line 8 through "ACT" on line 9

**Insert:** "[This act]"

**Strike:** "2002" on line 9

**Insert:** "2001"

13. Page 4, line 11.

**Strike:** "2002"

**Insert:** "2001"

14. Page 4, line 16 through line 22.

**Strike:** section 9 in its entirety

Amendment **adopted** as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Price, Raser, Ripley, Schmidt, Schruppf, Smith, Thomas, Tramelli, Tropila, Waddill, Younkin.

Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Jayne, Kasten, Laible, Laszloffy, Lewis, McKenney, Olson, Pattison, A. Peterson, K. Peterson, Rice, Rome, Shockley, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 43

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: R. Brown, Sliter.

Total 2

**HB 58** - Representative Galvin-Halcro moved for cloture. Motion carried.

Motion that **HB 58**, as amended, do pass failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Price, Raser, Ripley, Schmidt, Schruppf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 49

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Golie, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lee, Lewis, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Rice, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 51

Voted Absentee: Mangan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 256** - Representative Jent moved **SB 256** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Adams, D. Brown.  
Total 2

Voted Absentee: Mangan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 300** - Representative Hedges moved **SB 300** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Noes: Erickson, Juneau, Lee, Smith.  
Total 4

Voted Absentee: Mangan, Aye.

Excused: None.  
Total 0

Absent or not voting: Lenhart.  
Total 1

**SB 380** - Representative Wanzenried moved **SB 380** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Mangan, Aye.

Excused: None.  
Total 0

Absent or not voting: Vick.  
Total 1

**SB 348** - Representative P. Clark moved **SB 348** be concurred in.

**SB 348** - Representative Gallik moved **SB 348**, second reading copy, be amended as follows :

1. Page 2, line 23.

**Strike:** "(2)"

**Insert:** "(3)"

2. Page 3.

**Following:** line 14

**Insert:** "(2) Nothing in this section prohibits a railroad corporation from causing the locomotive horn and bell to be sounded at a private crossing when it is necessary to protect the public safety."

**Renumber:** subsequent subsection

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin.

Total 86

Noes: Davies, Devlin, Forrester, Fuchs, Hedges, Lawson, Matthews, Mood, Rome, Steinbeisser, Waitschies, Whitaker.

Total 12

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Bales, Mr. Speaker.

Total 2

**SB 348** - Representative P. Clark moved **SB 348**, as amended, be concurred in. Motion failed as follows:

Ayes: Bales, Balyeat, Barrett, Bitney, Buzzas, Carney, E. Clark, P. Clark, Cyr, Devlin, Erickson, Fritz, Fuchs, Gallus, Gillan, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Price, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Vick, Walters, Wanzenried, Younkin, Mr. Speaker.

Total 45

Noes: Adams, Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, Curtiss, Dale, Davies, Dell, Eggers, Esp, Facey, Fisher, Forrester, Gallik, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laible, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Raser, Rice, Schrumpf, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery.

Total 54

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Olson.

Total 1

**SB 89** - Representative Laslovich excused at this time.

**SB 89** - Representative Walters moved **SB 89** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 87

Noes: Bales, Balyeat, D. Brown, Fisher, Laible, Lewis, McCann, K. Peterson, Vick, Witt, Mr. Speaker.  
Total 11

Voted Absentee: Laslovich, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Galvin-Halcro, Gillan.  
Total 2

**SB 309** - Representative Himmelberger moved **SB 309** be concurred in.

Representative Laslovich present at this time.

**SB 309** - Representative E. Clark moved **SB 309**, second reading copy, be amended as follows :

1. Title, line 6.  
**Strike:** "36"  
**Insert:** "24"

2. Page 6, line 12.  
**Strike:** "36"  
**Insert:** "24"

**SB 309** - Representative Schrumpf expressed a conflict of interest and abstained from voting.

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gutsche, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Masolo, Matthews, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Smith, Somerville, Steinbeisser, Story, Waddill, Waitschies, Wanzenried, Witt, Wolery, Younkin.  
Total 66

Noes: Balyeat, Bixby, D. Brown, Callahan, Curtiss, Davies, Dell, Erickson, Fritz, Galvin-Halcro, Gillan, Golie, Haines, Himmelberger, Juneau, Laible, Laszloffy, Lee, Lewis, Mangan, McCann, McKenney, Rice, Rome, Shockley, Sliter,



HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Thomas, Tramelli, Tropila, Vick, Walters, Whitaker, Mr. Speaker.  
Total 33

Voted Absentee: Mangan, No.

Excused: None.  
Total 0

Absent or not voting: Schrumpf.  
Total 1

**SB 309** - Representative Esp moved **SB 309**, second reading copy, be further amended as follows :

1. Title, line 6.

**Following:** "MORE;"

**Insert:** "PROVIDING FOR A WAIVER BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES;"

2. Page 6, line 12.

**Following:** "means"

**Insert:** ", except as provided in [section 2],"

3. Page 7.

**Following:** line 6

**Insert:** "NEW SECTION. Section 2. Hourly limitation waivable by department or department's designee. The department or the department's designee may waive the 24-hour limitation related to recovery care beds, as defined in 50-5-101, as that limitation applies to a particular bed, if the attending physician of the individual occupying the bed determines that the waiver is medically appropriate. The waiver may be granted by the department before or after the 24-hour limitation is exceeded."

"NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 50, chapter 5, part 2, and the provisions of Title 50, chapter 5, part 2, apply to [section 2]."

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.

Total 87

Noes: Bales, Callahan, Fisher, Galvin-Halcro, Jackson, Lawson, Matthews, McCann, Rice, Ripley, Younkin, Mr. Speaker.

Total 12

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

Motion that **SB 309**, as amended, be concurred in carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin.

Total 81

Noes: Adams, Balyeat, Callahan, Curtiss, Davies, Dell, Golie, Haines, Himmelberger, Laible, Laszloffy, Lewis, McCann, Shockley, Thomas, Vick, Whitaker, Mr. Speaker.

Total 18

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

**SB 310** - Representative Schmidt moved **SB 310** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Adams, Dell, Jackson.

Total 3

Voted Absentee: Mangan, Aye.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Excused: None.  
Total 0

Absent or not voting: Esp.  
Total 1

**SB 441** - Representative Lawson moved **SB 441** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 86

Noes: Adams, Brueggeman, Davies, Dell, Fuchs, Jackson, Kasten, Laszloffy, Mood, Pattison, Vick, Witt, Mr. Speaker.  
Total 13

Excused: Mangan.  
Total 1

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted.

Representative P. Clark made a substitute motion that **SB 348** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: Adams, Bookout-Reinicke, Callahan, Eggers, Esp, Facey, Gallik, Golie, Jackson, Newman, Noennig, Olson, K. Peterson, Thomas, Waddill, Whitaker, Wolery.  
Total 17

Excused: Mangan.  
Total 1

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Absent or not voting: Mood.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**SB 242**, be amended as follows:

3/29/2001

1. Title, line 6 through line 7.

**Strike:** "PROVIDING" on line 6 through "COUNTY;" on line 7

**Following:** "COUNTY;"

**Insert:** "ESTABLISHING PROCEDURES FOR ADOPTION OF A JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE;"

2. Title, line 8.

**Strike:** "AN"

**Insert:** "A RETROACTIVE"

3. Page 1, line 30 through page 2, line 2.

**Strike:** the first "OR" on page 1, line 30 through "50-60-302" on page 2, line 2

**Insert:** "excluding any area that is within the limits of an incorporated municipality"

4. Page 4.

**Following:** line 8

**Insert:** "NEW SECTION. Section 3. Designation of county jurisdictional area for county building code. (1) To designate a county jurisdictional area for a county building code, the board of county commissioners:

(a) shall pass a resolution of intent to adopt the county jurisdictional area;

(b) shall give notice to the public as provided in 7-1-2121. The notice must state:

(i) the time and place of the public hearing;

(ii) the boundaries of the proposed county jurisdictional area;

(iii) the procedures and deadlines for filing a written protest; and

(iv) that a map and description of the boundaries of the proposed county jurisdictional area and the names and addresses of the owners of real property in the proposed county jurisdictional area are on file for public inspection at the office of the county clerk and recorder.

(c) shall give written notice to each owner of real property in the proposed county jurisdictional area by certified mail, delivery restricted to the addressee and the addressee's agent and return receipt requested. The notice must include the same information that is required under subsection (1)(b).

(d) shall hold a public hearing no earlier than 30 days or later than 90 days after passage of the resolution of intent;

(e) at the public hearing:

(i) shall accept written protests from owners of real property in the proposed county jurisdictional area; and

(ii) must receive general protests and comments relating to the designation of the boundaries of the proposed county jurisdictional area; and

(f) subject to subsection (2), shall adopt the county jurisdictional area, effective 60 days after passage of the resolution.

(2) If a written protest is submitted by owners of real property in the proposed county jurisdictional area representing more than 40% of the owners of real property for which a return receipt was received as provided in subsection (1)(c), the board of county commissioners may not adopt the county jurisdictional area for a county building

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

code."

**Insert:** "NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 50, chapter 60, part 3, and the provisions of Title 50, chapter 60, part 3, apply to [section 3]."

**Renumber:** subsequent section

5. Page 4, line 10 through line 12.

**Strike:** "Applicability" on line 10.

**Insert:** "Retroactive applicability"

**Strike:** "to" on line 10 through "issued" on line 12

**Insert:** "retroactively, within the meaning of 1-2-109, to the extension of the municipal jurisdictional area for building codes beyond the limits of the municipality as of [the effective date of this act]. After [the effective date of this act] a municipality may not enforce or adopt a building code outside of the limits of the incorporated municipality"

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Representative Sliter moved that **SB 131** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations.

Representative Sliter moved that **SB 386** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations.

Representative Sliter moved that **SB 394** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations.

Representative Sliter moved that **SB 65** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations.

Representative Gallus requested on **HB 58**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 12:30 p.m. Motion carried.

House recessed at 11:42 a.m.

House reconvened at 12:30 p.m. All members present, except Representatives Mangan and Younkin, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Story, Chairman):

3/29/2001

**HB 277**, introduced bill, be amended as follows:

1. Title, line 14.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**Strike:** "TRANSFERRING \$20 MILLION"

**Insert:** "DIVERTING UP TO \$5.5 MILLION OF THE FLOW OF TAXES"

2. Title, line 15.

**Strike:** "PERMANENT"

3. Title, line 16.

**Following:** ";"

**Insert:** "RETAINING THE AMOUNT OF DEPOSIT INTO THE COAL SEVERANCE TAX TRUST FUND  
NECESSARY FOR COAL SEVERANCE TAX BONDS;"

4. Title, line 18.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

5. Page 13, line 22.

**Strike:** "**FUND** transfer"

**Insert:** "Coal severance tax diversion"

6. Page 13, line 26.

**Strike:** "There is transferred \$20 million for each fiscal year of the biennium from"

**Insert:** "Except for \$675,000 each year, up to \$5.5 million of the amount of coal severance taxes that would be  
deposited into"

7. Page 13, line 27.

**Strike:** "permanent"

**Following:** "trust"

**Insert:** "is diverted"

8. Page 14, line 6.

**Strike:** "TRANSFERS"

**Insert:** "diverts"

9. Page 14, line 12.

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates June 30, 2003."

And, as amended, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 152** - Representative Dale moved **SB 152** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: Gallik, Waitschies.

Total 2

Voted Absentee: Mangan, Aye.

Excused: None.

Total 0

Absent or not voting: E. Clark, Mr. Speaker.

Total 2

**SB 151** - Representative R. Brown moved **SB 151** be concurred in.

**SB 151** - Representative Keane moved **SB 151**, second reading copy, be amended as follows :

1. Title, line 5.

**Following:** "CENTERS"

**Insert:** ", EXCEPT A FITNESS CENTER AT A UNIT OF THE UNIVERSITY SYSTEM WITH LESS THAN 3,500 STUDENTS,"

2. Page 1, line 25.

**Following:** "fitness"

**Strike:** ", "

**Insert:** "or"

**Strike:** ", or well-being"

3. Page 2.

**Following:** line 12

**Insert:** "(3) The provisions of this section do not apply to units of the university system with less than 3,500 full-time students."

Amendment **adopted** as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, McCann, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Waitschies, Wanzenried, Wolery, Younkin, Mr. Speaker.  
Total 71

Noes: Andersen, Bitney, D. Brown, Brueggeman, Esp, Fisher, Fuchs, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Masolo, Matthews, McKenney, Mood, Pattison, K. Peterson, Rice, Shockley, Somerville, Steinbeisser, Story, Vick, Walters, Whitaker, Witt.  
Total 28

Excused: Mangan.  
Total 1

Absent or not voting: None.  
Total 0

Motion that **SB 151**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Newman, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 68

Noes: Balyeat, Bixby, Buzzas, Carney, Cyr, Eggers, Erickson, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lindeen, Mangan, Musgrove, Noennig, K. Peterson, Schmidt, Schrupf, Smith, Tramelli, Waitschies, Wanzenried, Mr. Speaker.  
Total 32

Voted Absentee: Mangan, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 196** - Representative Waddill moved **SB 196** be concurred in.

**SB 196** - Representative Waddill moved **SB 196**, second reading copy, be amended as follows :

1. Title, line 10 through line 11.

**Strike:** "AND A DELAYED EFFECTIVE DATE"

**Insert:** "PROVIDING PENALTIES; AND PROVIDING EFFECTIVE DATES"

2. Page 1, line 15.

**Strike:** "4"

**Insert:** "5"



HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

3. Page 1, line 18.

**Strike:** "4"

**Insert:** "5"

4. Page 3.

**Following:** line 6

**Insert:** "NEW SECTION. Section 4. Civil and criminal penalties. (1) An entity that violates [section 3(2) or (3)] is subject to the following civil penalties:

(a) For a first violation, the entity shall be assessed a penalty of not more than \$100.

(b) For a second violation, the entity shall be assessed a penalty of not more than \$250.

(c) For a third violation, the entity shall be assessed a penalty of not more than \$500.

(d) For a fourth and subsequent violation, the entity shall be assessed a penalty of not more than \$1,000.

(2) A retail vendor who violates [section 3(4)] is guilty of a misdemeanor and upon conviction shall be fined an amount not more than \$500 or be imprisoned in the county jail for a term of not more than 6 months, or both."

**Renumber:** subsequent sections

5. Page 3, line 9.

**Strike:** "4"

**Insert:** "5"

6. Page 3, line 12.

**Strike:** "4"

**Insert:** "5"

7. Page 3, line 14.

**Strike:** "4"

**Insert:** "5"

8. Page 3, line 15.

**Strike:** "4"

**Insert:** "5"

9. Page 3, line 16.

**Strike:** "4"

**Insert:** "5"

10. Page 3, line 18 through line 19.

**Strike:** subsection (3) in its entirety

11. Page 3, line 21.

**Strike:** "4"

**Insert:** "5"

12. Page 3, line 23.

**Strike:** "4"

**Insert:** "5"

13. Page 3, line 30.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**Strike: "DATE"**

**Insert: "dates"**

14. Page 3, line 30.

**Strike: "[THIS ACT]"** through the remainder of line 30

**Insert: "(1) Except as provided in subsection (2), [this act] is effective October 1, 2001.**

**(2) [Section 5] is effective on passage and approval."**

Amendment **not** adopted as follows:

Ayes: Bixby, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Lee, Matthews, Newman, Noennig, Raser, Schmidt, Schrumpf, Smith, Tramelli, Waddill, Whitaker.

Total 34

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Golie, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Voted Absentee: Mangan, No.

Excused: None.

Total 0

Absent or not voting: Haines, Shockley.

Total 2

**SB 196** - Representative Waitschies moved **SB 196**, second reading copy, be amended as follows :

1. Page 2, line 8.

**Strike: ", including any package that contains any blending of foreign and domestic product,"**

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wanzenried, Witt, Wolery.

Total 63

Noes: Bixby, Branae, Callahan, P. Clark, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lindeen, Mangan, Newman, Raser,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Schmidt, Smith, Tramelli, Tropila, Waddill, Whitaker, Younkin, Mr. Speaker.  
Total 34

Voted Absentee: Mangan, No.

Excused: None.  
Total 0

Absent or not voting: Erickson, Gillan, Haines.  
Total 3

Representative Mangan present at this time.

Motion that **SB 196**, as amended, be concurred in carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Schmidt, Schrumpf, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Younkin.  
Total 63

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Clancy, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fritz, Holden, Jackson, Jent, Laible, Laszloffy, McCann, McKenney, Mood, Price, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wolery, Mr. Speaker.  
Total 37

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 197** - Representative P. Clark moved **SB 197** be concurred in. Motion carried as follows:

Ayes: Adams, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Andersen, Bales, Barrett, Brueggeman, Carney, Clancy, Curtiss, Esp, Fisher, Laible, Laszloffy, Olson, Ripley.  
Total 13

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

**SB 141** - Representative Harris moved **SB 141** be concurred in. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Matthews, Musgrove, Newman, Raser, Schmidt, Tramelli, Wanzenried.  
Total 32

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lehman, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 66

Excused: None.  
Total 0

Absent or not voting: Fritz, Gillan.  
Total 2

**SB 60** - Representative Masolo moved **SB 60** be concurred in. Motion carried as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Eggers, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Thomas, Tramelli, Whitaker, Wolery, Younkin.  
Total 59

Noes: Adams, Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Facey, Haines, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lewis, McCann, Pattison, A. Peterson, Raser, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Mr. Speaker.  
Total 40

Excused: None.  
Total 0

Absent or not voting: Mood.  
Total 1

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**SB 104** - Representative Shockley moved **SB 104** be concurred in.

**SB 104** - Representative Jent moved **SB 104**, second reading copy, be amended as follows :

1. Page 1, line 28.

**Following:** "person"

**Insert:** "purposely or knowingly"

2. Page 2, line 6.

**Following:** "person"

**Insert:** "purposely or knowingly"

3. Page 2, line 7.

**Following:** "(a)"

**Strike:** "purposely or knowingly"

4. Page 2, line 15.

**Following:** "bail."

**Strike:** "shall forfeit"

**Insert:** "may be subject to forfeiture of"

5. Page 2, line 17 through line 18.

**Strike:** "For" on line 17 through "forfeiture" on line 18

**Insert:** "If the court imposes forfeiture of the person's license and privilege to hunt, fish, or trap"

6. Page 2, line 18.

**Following:** "person of the"

**Insert:** "forfeiture and"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Lindeen.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Total 1

Motion that **SB 104**, as amended, be concurred in carried as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, McCann, Newman, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 52

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Fuchs, Galvin-Halcro, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, K. Peterson, Rice, Ripley, Sliter, Somerville, Steinbeisser, Story, Waitschies, Witt, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: Adams.

Total 1

**SB 108** - Representative Schmidt moved **SB 108** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 95

Noes: Adams, Davies, Somerville, Vick, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 135** - Representative Facey moved **SB 135** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Branae, Mr. Speaker.

Total 2

Representative Somerville assumed the chair.

**SB 77** - Representative Shockley moved **SB 77** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Adams, Balyeat, Clancy, Davies, Jackson, Kasten, Laszloffy, Pattison, Rice, Ripley, Vick, Waitschies.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 82** - Representative R. Brown moved **SB 82** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Brown reassumed the chair.

**SB 28** - Representative Jent moved **SB 28** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 116** - Representative Tropila moved consideration of **SB 116** be placed below **SB 132** on the second reading board. Motion carried.

**SB 132** - Representative Harris moved **SB 132** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 99



HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**SB 116** - Representative Noennig moved **SB 116** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, Bales, Balyeat, Curtiss, Laible, Laszloffy, Masolo, Pattison, Vick.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Haines.  
Total 1

**SB 51** - Representative Dell moved **SB 51** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 92

Noes: Dale, Esp, Kasten, Laible, Laszloffy, Pattison, Story.  
Total 7

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Absent or not voting: Mr. Speaker.  
Total 1

**SB 123** - Representative Noennig moved **SB 123** be concurred in. Motion failed as follows:

Ayes: Barrett, Bixby, Branae, Carney, P. Clark, Fritz, Fuchs, Gallik, Gallus, Harris, Himmelberger, Hurdle, Jacobson, Juneau, Lee, Lenhart, Newman, Noennig, K. Peterson, Raser, Rome, Smith, Thomas, Tropila, Waddill, Wolery, Younkin.  
Total 27

Noes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Jackson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Tramelli, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.  
Total 73

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 170** - Representative Gutsche moved **SB 170** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 89

Noes: Adams, Balyeat, Davies, Fisher, Jackson, Kasten, Laible, Laszloffy, Pattison, Vick, Mr. Speaker.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 185** - Representative Hedges moved **SB 185** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Adams, Curtiss, McCann, Vick.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 204** - Representative Harris moved **SB 204** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Waddill.

Total 1

**SB 229** - Representative Mangan moved **SB 229** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 76

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Noes: Balyeat, Barrett, Clancy, E. Clark, P. Clark, Curtiss, Davies, Devlin, Fisher, Fuchs, Kasten, Laible, Laszloffy, Lawson, Lehman, Masolo, Mood, Pattison, K. Peterson, Rice, Ripley, Vick, Witt, Wolery.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 283** - Representative Rice moved **SB 283** be concurred in.

**SB 283** - Representative Rice moved **SB 283**, second reading copy, be amended as follows :

1. Page 9, line 17 through line 20.

**Strike:** "The first" on line 17 through "care" on line 20

**Insert:** "The time limit must comply with the Adoption and Safe Families Act of 1997, as enacted"

2. Page 15, line 13 through line 17.

**Strike:** "The" on line 13 through "review" on line 17

**Insert:** "The time limit must comply with the Adoption and Safe Families Act of 1997, as enacted"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mangan, Sliter.

Total 2

Motion that **SB 283**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Mangan.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 293** - Representative Gallus moved **SB 293** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 93

Noes: Davies, Kasten, Laible, Steinbeisser, Vick, Mr. Speaker.

Total 6

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**SB 245** - Representative Devlin moved **SB 245** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 71

Noes: Bixby, Branae, Buzzas, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Harris, Hurdle, Jacobson, Juneau, Kaufmann, Lee, Lewis, McCann, McKenney, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432** - Representative McKenney moved **SB 432** be concurred in.

**SB 432** - Representative McKenney moved **SB 432**, second reading copy, be amended as follows :

1. Title, line 5.

**Following:** "IMPROVEMENTS"

**Insert:** "AND EQUIPMENT"

2. Page 2, line 3.

**Following:** "7-15-4288"

**Insert:** "and equipment"

3. Page 2, line 14.

**Following:** "improvements"

**Insert:** "or acquire the equipment"

4. Page 2, line 16.

**Following:** "improvement"

**Insert:** "or the acquisition of equipment"

5. Page 2, line 17.

**Following:** "infrastructure"

**Insert:** "and equipment"

6. Page 2, line 19.

**Following:** "infrastructure"

**Insert:** "and the acquisition of equipment"

7. Page 2, line 21.

**Following:** "Infrastructure"

**Insert:** "and equipment"

**Strike:** "is"

**Insert:** "are"

8. Page 2, line 22.

**Following:** "state"

**Insert:** ", "

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

9. Page 2, line 24.

**Following:** "project"

**Insert:** "the use"

10. Page 2, line 25.

**Following:** "infrastructure"

**Insert:** "and equipment"

11. Page 3, line 10.

**Strike:** "infrastructure"

12. Page 3, line 15.

**Following:** "project."

**Insert:** "(4) For the purposes of this section, "equipment" means machinery and fixtures used in the design, manufacture, repair, and maintenance of aerospace transportation and technology projects."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Buzzas, Carney, Eggers, Erickson, Fisher, Gallik, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, McCann, Musgrove, Smith.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 432**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Noes: Buzzas, Carney, Hurdle, Jayne, Jent, Kaufmann, McCann, Smith.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Golie, Harris, Wanzenried.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Fritz, Kasten.  
Total 2

**MOTIONS**

Representative Sliter moved that the House reconsider its action on **SJR 17** and that the resolution be placed on second reading. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 69** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,



HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Curtiss, Hurdle, Musgrove, Smith, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**HB 121** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Adams, Balyeat, Davies, Esp, Himmelberger, Jackson, Juneau, Kasten, Laible, Laszloffy, Musgrove, Story, Vick, Whitaker.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 474** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Fuchs, Gallik, Gallus, Hedges, Holden, Jackson, Jacobson, Jent, Keane, Laible, Lawson, Lee, Lehman, Lewis, Mangan, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 56

Noes: Adams, Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jayne, Juneau, Kasten, Kaufmann, Laslovich, Laszloffy, Lenhart, Lindeen, Matthews, Musgrove, Schmidt, Smith,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Steinbeisser, Tramelli, Tropila, Wanzenried, Younkin.  
Total 43

Excused: None.  
Total 0

Absent or not voting: P. Clark.  
Total 1

**HB 577** passed as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 84

Noes: Adams, Balyeat, Barrett, R. Brown, Dale, Davies, Esp, Gallik, Gallus, Himmelberger, Jayne, Kasten, Laszloffy, Pattison, Rice, Vick.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 600** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Absent or not voting: None.  
Total 0

**HB 617** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 52

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Raser, Schmidt, Schrupf, Smith, Tramelli, Tropila, Wanzenried, Wolery.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

**HB 623** passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrupf, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.  
Total 73

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Himmelberger, Kasten, Laible, Laszloffy, Pattison, K. Peterson, Rice, Ripley, Shockley, Sliter, Somerville, Steinbeisser, Vick, Younkin, Mr. Speaker.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**HB 632** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Facey, Fuchs, Gallik, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Bixby, Branae, Buzzas, Carney, Dell, Eggers, Erickson, Fisher, Forrester, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Kasten, Kaufmann, Lee, Lindeen, Mangan, Musgrove, Schmidt, Vick.

Total 24

Excused: None.

Total 0

Absent or not voting: Esp.

Total 1

**HB 636** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, McCann, Musgrove, Newman, Price, Raser, Schmidt, Shockley, Smith, Somerville, Tramelli, Tropila, Walters, Wanzenried, Wolery.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 639** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Younkin, Mr. Speaker.  
Total 92

Noes: Adams, Balyeat, Fisher, Kasten, Laslovich, Pattison, Smith, Vick.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 640 failed** (due to 2/3 vote requirement) as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 644** passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Balyeat, Bixby, R. Brown, Buzzas, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Gillan, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Newman, Shockley, Somerville, Vick, Walters, Wanzenried.  
Total 28

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 645** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Fisher, Somerville, Whitaker.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Pattison.  
Total 1

**HB 646** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**HB 647** passed as follows:

Ayes: Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 87

Noes: Adams, Barrett, Curtiss, Davies, Esp, Fisher, Himmelberger, Kasten, Mood, K. Peterson, Somerville, Mr. Speaker.

Total 12

Excused: None.

Total 0

Absent or not voting: Brueggeman.

Total 1

**HB 650** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Holden requested on **HB 636**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Laible requested on **SB 135**, second reading today, that his vote be shown as yes. There being no

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

objections, so ordered.

Representative Laible requested on **HB 639**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Himmelberger requested on **HB 121**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Jackson requested on **HB 121**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Shockley requested on **HB 636**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Gallik requested on **HB 632**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Gallus requested on **HB 474**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Lee requested on **SB 108**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Wolery requested on **HB 617**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Esp requested on **HB 121**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Jacobson requested on **HB 617**, third reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Jacobson requested on **SB 141**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Mangan requested on **SB 283**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Davies requested on **HB 474**, third reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Eggers requested on **HB 647**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on



HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

second reading. Motion carried. Representative R. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Witt excused at this time.

**SB 330** - Representative Whitaker moved **SB 330** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 92

Noes: Brueggeman, Laszloffy, Lewis, McKenney, Somerville.

Total 5

Voted Absentee: Witt, Aye.

Excused: None.

Total 0

Absent or not voting: Holden, Sliter, Mr. Speaker.

Total 3

**SB 450** - Representative Price moved **SB 450** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: Dell, Hurdle, Somerville.

Total 3

Voted Absentee: Witt, Aye.

Excused: None.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 390** - Representative Ripley moved **SB 390** be concurred in.

**SB 390** - Representative Lawson moved **SB 390**, second reading copy, be amended as follows :

1. Title, page 1, line 22.

**Following:** "PROGRAM;"

**Insert:** "AUTHORIZING A DISTRICT TO ADOPT A MAXIMUM GENERAL FUND BUDGET PER ANB BASED ON THE STATEWIDE WEIGHTED AVERAGE;"

2. Title, page 1, line 23.

**Following:** "20-9-168,"

**Insert:** "20-9-308,"

3. Page 9, line 14.

**Following:** line 13

**Insert:** "Section 11. Section 20-9-308, MCA, is amended to read:

**"20-9-308. BASE budgets and maximum general fund budgets -- definitions.** (1) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3) ~~of this section~~, does not exceed the maximum general fund budget established for the district.

(2) (a) Whenever the trustees of a district adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(b) A general fund budget adopted under this subsection (2) may not exceed the greater of:

(i) 104% of the previous year's general fund budget; or

(ii) 104% of the previous year's general fund budget per-ANB multiplied by the current year's ANB for budgeting purposes.

(3) (a) (i) Except as provided in ~~subsections~~ subsection (3)(a)(ii), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or up to 94% of the previous year's general fund budget, whichever is greater. A school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of 5 consecutive years. A school district whose adopted general fund budget for the previous year exceeds the maximum general fund budget for the current year and whose ANB for the previous year exceeds the ANB for the current year by 30% or more shall reduce its adopted budget by:

(A) in the first year, 20% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;

(B) in the second year, 25% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;

(C) in the third year, 33.3% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;

(D) in the fourth year, 50% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year; and

(E) in the fifth year, the remainder of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

(ii) The trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:

(A) the adopted budget for the previous year; or

(B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year.

(b) The trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

(c) By February 1 of each year, the superintendent of public instruction shall compute:

(i) the statewide weighted average of maximum general fund budgets per ANB for elementary programs for the previous year; and

(ii) the statewide weighted average of maximum general fund budgets per ANB for high school programs for the previous year.

(d) By March 1 of each school year, the superintendent of public instruction shall notify each school district of the amounts calculated in subsection (3)(c).

(e) The trustees of any district that has a maximum general fund budget per ANB for its elementary or high school program that is less than the statewide weighted average calculated in subsection (3)(c) may, subject to voter approval under subsection (3)(b), adopt a general fund budget for the district equal to the sum of:

(i) the ANB of the elementary program for the current year multiplied by the statewide weighted average for the elementary program; and

(ii) the ANB of the high school program for the current year multiplied by the statewide weighted average for the high school program.

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district as provided in 20-9-141.

(6) As used in this section:

(a) "statewide weighted average of maximum general fund budgets per ANB for high school programs" means the sum of the maximum general fund programs for high school programs divided by the total ANB for high school programs; or

(b) "statewide weighted average of maximum general fund budgets per ANB for elementary school programs" means the sum of the maximum general fund programs for elementary school programs divided by the total ANB for elementary school programs."

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Younkin.

Total 65

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lehman, Lewis, McCann, McKenney, Pattison, Rice, Ripley, Schrumpf, Shockley, Smith, Story, Vick, Waitschies, Walters, Wolery, Mr. Speaker.

Total 34

Excused: Witt.

Total 1

Absent or not voting: None.

Total 0

Motion that **SB 390**, as amended, be concurred in carried as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Sliter, Somerville, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Younkin.

Total 59

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lehman, Lewis, Lindeen, McCann, McKenney, Mood, Pattison, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wolery, Mr. Speaker.

Total 40

Excused: Witt.

Total 1

Absent or not voting: None.

Total 0

**SB 465** - Representative Sliter moved consideration of **SB 465** be placed at the top of the second reading board. Motion carried.

**SJR 17** - Representative Sliter moved consideration of **SJR 17** be placed below **SB 465** on the second reading board. Motion carried.

**SB 465** - Representative Galvin-Halcro moved **SB 465** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Esp.

Total 1

Excused: Witt.

Total 1

Absent or not voting: Lindeen.

Total 1

**SJR 17** - Representative Shockley moved **SJR 17** be concurred in.

**SJR 17** - Representative Sliter moved **SJR 17**, second reading copy, be amended as follows :

1. Page 1, line 16.

**Following:** "problems"

**Insert:** "; and

WHEREAS, the Department of Corrections has identified a need to use the Xanthopoulos Building for the treatment of inmates with chemical dependency and other health-related problems"

2. Page 1, line 21.

**Following:** "problem"

**Insert:** "to be used by the Department of Corrections for use in treating inmates with chemical dependency and other health- related problems"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Buzzas, Callahan, Eggers, Erickson, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Kaufmann, Smith, Tramelli, Tropila.

Total 14

Excused: Witt.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Total 1

Absent or not voting: None.

Total 0

Motion that **SJR 17**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Buzzas, Callahan, Eggers, Erickson, Fritz, Galvin-Halcro, Gutsche, Hurdle, Kaufmann, Laslovich, Lee, McCann, Newman, Raser, Wanzenried.

Total 15

Excused: Witt.

Total 1

Absent or not voting: Olson, Rome.

Total 2

Representative Younkin assumed the chair.

**SJR 10** - Representative Mangan moved **SJR 10** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Erickson, Gutsche, Hedges, Himmelberger, Jackson.

Total 5

Voted Absentee: Witt, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby, R. Brown, Eggers, Esp, Schrumpf, Sliter, Story.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Total 7

**SB 356** - Representative R. Brown moved **SB 356** be concurred in.

**SB 356** - Representative R. Brown moved **SB 356**, second reading copy, be amended as follows :

1. Page 2, line 4.

**Insert:** "**NEW SECTION. Section 2. Coordination instruction.** If this act and Senate Bill No. 445 are both passed and approved and if both bills amend 30-16-302, then 30-16-302 must read as follows:

**Insert:** "**Section 1.** Section 30-16-302, MCA, is amended to read:

**"30-16-302. Board of review.** (1) There is a board of review. The board of review's duty is to provide policy direction to the department of revenue in the establishment and operation of the system. The board of review includes the directors of the departments of agriculture, ~~commerce~~ labor and industry, environmental quality, livestock, revenue, justice, and public health and human services, the secretary of state, a member appointed by the president of the senate or a designee, and a member appointed by the speaker of the house or a designee. If an agency that is not a member of the board of review requests inclusion in the streamlined registration and licensing plan as provided in 30-16-303, that agency's director must be appointed to the board of review by the governor.

(2) The governor shall appoint a presiding officer from among the members of the board of review.

(3) The board of review shall meet at the call of the presiding officer at least once each calendar quarter to:

(a) establish interagency policy and guidelines for the plan;

(b) review the findings, status, and problems of system operations and recommend courses of action; and

(c) receive reports from industry and agency task forces that the board of review may request to inquire into particular issues.

(4) The board of review may implement a plan for streamlined registration and licensing to include licenses not specified in 30-16-301, as provided in 30-16-303.

(5) The board of review is attached to the department of revenue for administrative purposes only as provided in 2-15-121.""

**Renumber:** subsequent section

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 96

Noes: Hurdle.

Total 1

Excused: Witt.

Total 1

Absent or not voting: Kaufmann, Wolery.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Total 2

Motion that **SB 356**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Hurdle.

Total 1

Voted Absentee: Witt, Aye.

Excused: None.

Total 0

Absent or not voting: Curtiss, Lindeen, Musgrove, Pattison, Somerville.

Total 5

Representative R. Brown reassumed the chair.

**SB 48** - Representative McKenney moved **SB 48** be concurred in. Motion carried as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Andersen, Brueggeman, Callahan, P. Clark, Cyr, Eggers, Erickson, Esp, Facey, Fuchs, Gutsche, Haines, Harris, Hurdle, Kasten, Laslovich, Lenhart, Matthews, Mood, Pattison, Rice, Tropila, Walters, Witt.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Representative Younkin assumed the chair.

**SB 469** - Representative Lawson moved **SB 469** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Bixby, Buzzas, Cyr, Dale, Eggers, Erickson, Hurdle, Juneau, Smith, Waitschies.

Total 10

Voted Absentee: Witt, Aye.

Excused: None.

Total 0

Absent or not voting: R. Brown, Himmelberger, Schmidt.

Total 3

**SB 322** - Representative McKenney moved **SB 322** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: R. Brown, Eggers, Hedges, Himmelberger, Jackson, Kaufmann, Ripley, Steinbeisser, Thomas, Waitschies, Witt.

Total 11

Voted Absentee: Witt, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 339** - Representative R. Brown moved **SB 339** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Adams, Bales, Balyeat, Barrett, E. Clark, Dale, Davies, Dell, Devlin, Eggers, Kasten, Laszloffy, Pattison, Somerville, Steinbeisser, Story, Vick, Waitschies, Wanzenried.

Total 19

Voted Absentee: Witt, Aye.

Excused: None.

Total 0

Absent or not voting: D. Brown.

Total 1

**SB 288** - Representative Sliter moved consideration of **SB 288** be placed at the top of the second reading board. Motion carried.

Representative R. Brown reassumed the chair.

**SB 288** - Representative Raser moved **SB 288** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Whitaker.

Total 1

Excused: Witt.

Total 1

Absent or not voting: None.

Total 0

Representative Raser excused at this time.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**SB 423** - Representative K. Peterson moved **SB 423** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 88

Noes: Barrett, Galvin-Halcro, Jackson, Lehman, Mangan, McCann, Rice, Ripley, Rome, Steinbeisser, Witt, Wolery.

Total 12

Voted Absentee: Raser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 436** - Representative Olson moved **SB 436** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Davies, Jackson, Juneau, Kasten, Laible, McCann, Vick.

Total 9

Voted Absentee: Galvin-Halcro, Raser, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**SB 298** - Representative Forrester moved **SB 298** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Branae, Galvin-Halcro, Raser, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 327** - Representative Golie moved consideration of **SB 327** be placed below **SB 491** on the second reading board. Motion carried.

**SB 318** - Representative Pattison moved **SB 318** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Erickson, Galvin-Halcro, Gutsche, Wanzenried.

Total 4

Voted Absentee: Branae, Raser, Witt, Ayes; Galvin-Halcro, No.

Excused: None.

Total 0

Absent or not voting: Carney, Jacobson.

Total 2

**SB 319** - Representative Golie moved consideration of **SB 319** be placed below **SB 243** on the second reading board. Motion carried.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

**SB 491** - Representative Haines moved **SB 491** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Branae, Galvin-Halcro, Raser, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 327** - Representative Golie moved consideration of **SB 327** be placed at the bottom of the second reading board. Motion carried.

Representative Younkin assumed the chair.

**SB 243** - Representative Story moved **SB 243** be concurred in.

**SB 243** - Representative Story moved **SB 243**, second reading copy, be amended as follows :

1. Title, line 19.

**Following:** " ; "

**Insert:** "EXEMPTING CERTAIN PUBLIC UTILITIES FROM FILING A TRANSITION PLAN UNTIL THEY CAN REASONABLY IMPLEMENT CUSTOMER CHOICE;"

2. Page 9, line 29.

**Strike:** " ; "

3. Page 9, line 30.

**Strike:** "(a)"

4. Page 10, line 1 through line 6.

**Following:** "territory" on line 1

**Strike:** remainder of line 1 through "2005" on line 7

Amendment **adopted** as follows:

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: None.

Total 0

Excused: Branae, Galvin-Halcro, Raser, Witt.

Total 4

Absent or not voting: Gallus, Newman, Noennig, Sliter, Waddill.

Total 5

Representative Witt present at this time.

Motion that **SB 243**, as amended, be concurred in carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dell, Devlin, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lehman, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 55

Noes: Adams, Balyeat, Bixby, R. Brown, Buzzas, Carney, P. Clark, Dale, Davies, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lindeen, McCann, Musgrove, Noennig, Schmidt, Tramelli, Tropila, Vick, Wanzenried, Wolery.

Total 44

Voted Absentee: Branae, Raser, Ayes; Galvin-Halcro, No.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**SB 319** - Representative Golie moved consideration of **SB 319** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 327** - Representative Golie moved consideration of **SB 327** be placed at the top of the second reading board.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Motion carried.

Representative R. Brown reassumed the chair.

**SB 327** - Representative Lindeen moved **SB 327** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Carney, P. Clark, Gutsche, Harris, K. Peterson.

Total 5

Voted Absentee: Branae, Galvin-Halcro, Raser, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann, Schmidt.

Total 2

**SB 378** - Representative Dale moved **SB 378** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams.

Total 1

Voted Absentee: Branae, Galvin-Halcro, Raser, Ayes.

Excused: None.

Total 0

Absent or not voting: Harris.

HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman R. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Eggers, Fritz, Gallik, Gutsche, Harris, Kaufmann, Lee, Waitschies, Wanzenried.

Total 9

Excused: Branae, Galvin-Halcro, Raser.

Total 3

Absent or not voting: Sliter.

Total 1

**MOTIONS**

Representative Lee requested on **SB 48**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Laslovich requested on **SB 104**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Newman requested on **SJR 10**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Newman requested on **SB 48**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schrumpf requested on **SB 48**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative P. Clark requested on **SB 245**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative P. Clark requested on **HB 640**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Gillan requested on **SB 48**, second reading today, that her vote be changed from no to yes. There being



HOUSE JOURNAL  
SEVENTY-FIRST LEGISLATIVE DAY - MARCH 29, 2001

no objections, so ordered.

Representative Lawson requested on **SB 327**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Younkin moved that **SB 322** be taken from the Committee of the Whole a rereferred to the Committee on Appropriations. Motion carried.

Speaker Pro Tempore Mood assumed the chair.

Speaker McGee requested the House to reconsider its action on **HB 640** and that it be placed on third reading today. Motion carried.

Speaker McGee reassumed the chair.

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 640** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Bixby, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Fritz, Gallik, Gillan, Golie, Gutsche, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Musgrove, Schmidt, Smith, Tramelli, Wanzonried.

Total 23

Excused: None.

Total 0

Absent or not voting: Branae, Facey, Galvin-Halcro, Raser.

Total 4

**ANNOUNCEMENTS**

Representative Younkin moved that the House adjourn until 8:00 a.m., Friday, March 30, 2001. Motion carried.

House adjourned at 9:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 30, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bales. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, and sixty-third legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Representative Jacobson led the House in singing Happy Birthday to Representative Facey.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

3/30/2001

Correctly engrossed: **SB 3, SB 28, SB 48, SB 51, SB 60, SB 77, SB 82, SB 104, SB 108, SB 116, SB 132, SB 135, SB 170, SB 185, SB 196, SB 197, SB 204, SB 229, SB 241, SB 242, SB 243, SB 245, SB 283, SB 288, SB 293, SB 298, SB 318, SB 320, SB 327, SB 330, SB 339, SB 348, SB 356, SB 359, SB 377, SB 378, SB 387, SB 390, SB 396, SB 397, SB 423, SB 426, SB 427, SB 429, SB 432, SB 436, SB 437, SB 442, SB 450, SB 465, SB 466, SB 469, SB 473, SB 474, SB 476, SB 491, SJR 10, SJR 12, SJR 17.**

Correctly enrolled: **HB 504.**

Examined by the sponsor and found to be correct: **HB 504.**

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

3/29/2001

**SB 439**, introduced by Grosfield

**SB 493**, introduced by Thomas

**SB 494**, introduced by Cobb

**SB 495**, introduced by Thomas

**SB 501**, introduced by Grosfield

**SB 505**, introduced by Taylor

**SB 506**, introduced by Cobb

**SB 508**, introduced by Cole

**SB 509**, introduced by Doherty

**SB 510**, introduced by Stapleton

**SB 511**, introduced by Thomas

**SB 512**, introduced by Halligan

**SB 513**, introduced by Elliott

**SB 514**, introduced by Grosfield

**SB 519**, introduced by Roush

**SB 520**, introduced by Bohlinger

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

**SB 521**, introduced by Doherty

House bill concurred in and returned to the House: 3/29/2001

**HB 504**, introduced by Gallik

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/29/2001

**HB 73**, introduced by R. Brown

**HB 403**, introduced by Gillan

**MESSAGES FROM THE GOVERNOR**

March 28, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 263** sponsored by Representative Jent, **House Bill 298** sponsored by Representative Facey, **House Bill 321** sponsored by Representative R. Brown, **House Bill 365** sponsored by Representative J. Whitaker et al., **House Bill 443** sponsored by Representative Clancy, **House Bill 479** sponsored by Representative Gallus, and **House Bill 493** sponsored by Representative Fritz on March 28, 2001.

Sincerely,

JUDY MARTZ  
Governor

March 29, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 127** sponsored by Representative Wanzenried, **House Bill 143** sponsored by Representative Somerville, **House Bill 157** sponsored by Representative Gallus, **House Bill 160** sponsored by Representative Andersen, **House Bill 164** sponsored by Representative Olson et al., **House Bill 267** sponsored by Representative Juneau et al., **House Bill 294** sponsored by Representative Lewis et al., **House Bill 329** sponsored by Representative Somerville, **House Bill 336** sponsored by Representative Gutsche et al., **House Bill 354** sponsored by

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Representative Lawson, **House Bill 383** sponsored by Representative Younkin, **House Bill 391** sponsored by Representative Cyr et al., **House Bill 392** sponsored by Representative Masolo et al., **House Bill 393** sponsored by Representative Mangan et al., **House Bill 402** sponsored by Representative Mangan et al., and **House Bill 515** sponsored by Representative Lehman et al. on March 29, 2001.

Sincerely,

JUDY MARTZ  
Governor

March 28, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker McGee and President Beck:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 399, **"AN ACT GENERALLY REVISING LIQUOR LICENSING LAWS; PROVIDING FOR THE DEPOSIT OF LIQUOR LICENSE FEES AND PERMIT FEES INTO THE DEPARTMENT OF REVENUE'S LIQUOR ENTERPRISE FUND; CHANGING THE METHOD FOR DETERMINING WHEN THE DEPARTMENT OF REVENUE SHALL PUBLISH NOTICE OF APPLICATION FOR LIQUOR LICENSE TO WHEN THE APPLICATION IS COMPLETE RATHER THAN 30 DAYS AFTER AN INVESTIGATION IS REQUESTED; AMENDING SECTIONS 15-1-501, 16-2-108, 16-4-207, AND 16-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

I have no concerns with the objectives of HB 399, nor with its specific measures. I do, however, have a technical concern regarding the effective date provided for in the legislation. I recommend that an applicability date section be added to the bill to clarify that Sections 1 and 2 apply to fees collected after June 30, 2001. I have attached my amendment to that effect.

Sections 1 and 2 of the bill alter the manner in which revenues from liquor license and permit fees are currently deposited and expended. Both the appropriations and the revenue estimates for the current year are, however, structured on existing law (i.e., HB 2 and the revenue estimates for the 2001 biennium). Consequently, any alteration of that revenue flow prior to the end of the 2001 biennium will be in conflict with that existing law. Adding a section establishing an applicability date for Sections 1 and 2 at the beginning of the 2003 biennium will avoid that conflict.

Senator McKenney, the sponsor of the bill, is aware of and agrees with this recommended amendment.

Sincerely,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 399

1. Title, line 10

**Following:** "MCA"

**Strike:** "AND"

2. Title, line 10

**Following:** "DATE"

**Strike:** "."

**Insert:** "; AND PROVIDING AN APPLICABILITY DATE."

3. Page 8, line 8

**Insert:** "NEW SECTION. Section 6. Applicability date. [Sections 1 and 2] apply to fees collected after June 30, 2001"

March 29, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker McGee and President Beck:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 524, "**AN ACT INCREASING THE SPECIAL JUNK VEHICLE DISPOSAL FEE FROM 50 CENTS TO 65 CENTS; PROVIDING THAT 15 CENTS OF THE SPECIAL JUNK VEHICLE DISPOSAL FEE BE USED FOR THE EXCLUSIVE PURPOSE OF REIMBURSING THE HIRED REMOVAL OF ABANDONED VEHICLES; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 61-3-508 AND 75-10-532, MCA; AND PROVIDING AN EFFECTIVE DATE**" for the following reasons.

House Bill 524 provides for a \$.15 increase in the current additional junk vehicle disposal fee under § 61-3-508, MCA. Under HB 524, that increase is earmarked exclusively for the purpose of reimbursing the hired removal of abandoned vehicles. I have also received Senate Bill 168, however, which involves an increase in the same junk vehicle fee. Senate Bill 168 was requested by the Department of Environmental Quality and contemplates a broader increase in the special junk vehicle disposal fee and additional junk vehicle disposal fee under § 61-3-508, MCA, as well as the licensing fee for vehicle wrecking facilities/graveyards under § 75-10-511, MCA.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

The fee increases contemplated by SB 168 are intended to address the need to adequately support the Department's junk vehicle program budget, which has been adversely affected by a declining international market for scrap steel. Under the coordination language in HB 524, however, its \$.15 increase would be added to the increases already contemplated by SB 168. While I do not agree with the need to add the fee increase contemplated in HB 524 to the fee increases contemplated by SB 168, I have met with the proponents of HB 524 to discuss the coordination of these two pieces of legislation. In light of that meeting, I am separately submitting to you an amendatory recommendation on SB 168 that includes the specific earmarking component of HB 524, without the additional \$.15 fee increase.

Accordingly, I hereby veto HB 524.

Sincerely,

JUDY MARTZ  
Governor

March 29, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 168, **"AN ACT INCREASING THE JUNK VEHICLE DISPOSAL FEES ON PASSENGER CARS AND TRUCKS UNDER 8,001 POUNDS; INCREASING THE ANNUAL LICENSE FEE FOR MOTOR VEHICLE WRECKING FACILITIES; PROVIDING SUPPLEMENTAL REVENUE TO THE STATE MOTOR VEHICLE RECYCLING AND DISPOSAL PROGRAM TO OFFSET REVENUE LOSSES; AMENDING SECTIONS 61-3-508 AND 75-10-511, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE"** for the following reasons.

I have no concerns with the objectives of SB 168, nor with its specific measures. As outlined in my separate letter concerning my veto of HB 524, however, I recommend adding a provision to SB 168 that specifically earmarks \$.15 of the special junk vehicle disposal fee for the reimbursement of hired removal of abandoned vehicles. I have enclosed my amendment to that effect.

As indicated in my separate letter, I have vetoed HB 524 in light of its coordinative effect on SB 168, which would have added \$.15 cents to the fee increases already contemplated by SB 168. After meeting with the proponents of HB 524, however, I have also decided to recommend an amendment to SB 168 that embodies the "earmarking" component of HB 524, but within the parameters of the fee increase already contemplated in SB 168.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Senator Stonington, the sponsor of SB 168, has been advised of my amendatory recommendation and has no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 168

1. Title, line 9.

**Following:** "61-3-508"

**Strike:** "AND"

**Insert:** ", "

**Following:** "75-10-511,"

**Insert:** "AND 75-10-532,"

2. Page 2, line 1.

**Following:** "licensing."

**Insert:** "Fifteen cents of the \$1 special junk vehicle disposal fee must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532."

3. Page 2, following line 23.

**Insert:** "**Section 3.** Section 75-10-532, MCA, is amended to read: **75-10-532. Disposition of money collected.** All money received from the sale of junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees and fees collected as motor vehicle disposal fees must be deposited with the state treasurer to be used for the control, collection, recycling, and disposal of junk vehicles and component parts and, ~~to the extent the legislature appropriates funds expressly and solely for this purpose,~~ for the removal of abandoned vehicles."

4. Page 2, line 24.

**Following:** "Section"

**Strike:** "3"

**Insert:** "4"

March 29, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Dear Speaker McGee and President Beck:

I do not have significant concerns with Section 1 of HB 500, which revises the method by which the Department of Labor and Industry computes the standard prevailing rate of wages. I do, however, have concerns with portions of Sections 2 and 3 of the bill, which modify existing law regarding the posting of wage and fringe benefit information on job sites and the provisions required in public works contracts and bid specifications under Title 18, Chapter 2, MCA. I recommend deleting the current language in Section 2 that requires the contracting agency to be "responsible for ensuring" the posting and maintenance of the required wage scale. I also recommend that Section 3 be amended to reflect a requirement that contracts and bid specifications contain (1) express notice of the posting requirement and (2) express notice of the requirement that contractors and employers maintain necessary payroll records. I have attached my amendments to that effect.

Section 2 of the bill modifies existing law [§ 18-2-406, MCA], which already requires that a statement of all prevailing wages be posted on the job site. Under the bill, § 18-2-406, MCA would now require a "contracting agency" to be "responsible for ensuring" that the required statement:

- be posted in a prominent and accessible site on the project or staging area; and
- that such statement be posted not later than the first day of work and continuing for the entire duration of the project.

I believe that such a requirement reflects unsound public policy and creates, at best, a vague enforcement standard in terms of what it means for a "contracting agency" to be "responsible for ensuring" that a particular document is appropriately posted.

Under present law, contractors are already responsible for complying with the posting requirements under § 18-2-406, MCA. Under present law, contractors already face penalties if they do not "ensure" their own compliance with that posting requirement. See § 18-2-432, MCA. With that in mind, I do not believe that imposing a vague enforcement standard on state and local governmental entities will accomplish any meaningful objective. Rather, it will simply raise potential issues as to when an agency, a county or a school district fails to fulfill its "responsibility" for "ensuring" that a certain document be posted in a certain place and for a certain duration of time.

A better policy is to expressly place all contractors and employers on notice of the posting requirements at the outset of the public contracting process, i.e., in the contract documents and bid specifications. If they fail to comply with those requirements after being expressly placed on notice of them, they will face penalties under existing law. Accordingly, I recommend that a new provision be inserted in Section 3, which would require such notice.

I also recommend that the provision in Section 3 concerning the requirement for a contract provision requiring the agency to notify each contractor and employer of the requirement to maintain certified payroll records be modified. In its current form, the bill would require the contracting agency to place a provision in its own contract requiring itself to notify the contractor of the payroll record retention requirement. If the objective here is to ensure that contractors are placed on notice of the record retention requirement, that objective can be accomplished by simply requiring such notice in the contract documents and bid specifications. It is redundant to require an agency to insert a contract provision requiring itself to give the notice. Accordingly, I recommend that this provision be modified to simply require notice to the contractor of this requirement in the contract documents and the bid specifications.

Finally, I also recommend a slight amendment to the language concerning "certified" payroll records. I do not believe that it is necessary to require all public contractors to maintain "certified" payroll records at all times. Rather, the law simply requires that, in the event a dispute arises, a contractor be in a position to submit "certified" copies to the



HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Department of Labor and Industry. See § 18-2-423, MCA. In the many instances where no disputes ever arise, there is simply no need for government to impose a requirement that payroll records in the possession of a contractor actually be "certified." By requiring that contractors be in a position to produce "certified" records if and when necessary, the objectives of our existing law will still be appropriately met.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 500

1. Title, line 8

**Following:** "REQUIRING"

**Strike:** "A CONTRACTING AGENCY TO NOTIFY"

**Insert:** "NOTICE TO"

2. Title, line 9

**Following:** OF

**Insert:** "THE REQUIREMENT TO POST PREVAILING WAGE AND BENEFIT RATES AND"

3. Title, line 9

**Following:** "KEEP"

**Strike:** "CERTIFIED"

4. Page 5, line 1

**Following:** "area"

**Strike:** remainder of lines 1 and 2

5. Page 5, line 11

**Following:** "requiring"

**Strike:** "the contracting agency to notify"

6. Page 5, line 11

**Following:** "employer"

**Strike:** "of the requirement"

7. Page 5, line 12

**Following:** "maintain"

**Strike:** "certified"

8. Page 5, line 12

**Following:** "records"

**Insert:** ", in a manner readily capable of being certified for submission under 18-2-423,"

9. Page 5, line 14

**Insert:** "(3) a provision requiring each contractor to post a statement of all wages and fringe benefits in compliance

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

with 18-2-406."

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 439**, introduced by Grosfield, Bohlinger, Christiaens, Crismore, Jent, Stonington, Witt, referred to Taxation.

**SB 493**, introduced by F. Thomas, Beck, Berry, Bitney, Bookout-Reinicke, R. Brown, Cocchiarella, Dell, DePratu, Ellis, Facey, Forrester, Gillan, Golie, Grosfield, Halligan, Harris, Jacobson, Jent, Jergeson, Johnson, Kasten, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Masolo, McCarthy, McGee, McKenney, McNutt, Mood, Roush, Ryan, Shea, Sliter, Stapleton, Stonington, Story, Taylor, Wanzenried, Witt, Younkin, referred to Education.

**SB 494**, introduced by Cobb, Beck, Doherty, F. Thomas, referred to Taxation.

**SB 495**, introduced by F. Thomas, Beck, Berry, Bohlinger, Butcher, DePratu, Doherty, Ellis, Glaser, Grosfield, Halligan, Jergeson, Lewis, Mahlum, McGee, McNutt, Nelson, Ryan, Shea, Sliter, Tester, referred to Education.

**SB 501**, introduced by Grosfield, Story, Christiaens, Cobb, DePratu, McKenney, Schmidt, Somerville, referred to Taxation.

**SB 505**, introduced by Taylor, Beck, Berry, Bitney, D. Brown, Cole, DePratu, Fuchs, Miller, Mood, Sliter, Somerville, Story, F. Thomas, referred to Taxation.

**SB 506**, introduced by Cobb, referred to Federal Relations, Energy, and Telecommunications.

**SB 508**, introduced by Cole, Beck, Berry, Bohlinger, R. Brown, Curtiss, DePratu, Devlin, Ekegren, Ellingson, Forrester, Golie, Hedges, Kitzenberg, Lenhart, Mahlum, Matthews, McKenney, Olson, Roush, Smith, Tester, F. Thomas, Witt, Wolery, referred to Taxation.

**SB 509**, introduced by Doherty, referred to Business and Labor.

**SB 510**, introduced by Stapleton, Cole, Ekegren, F. Thomas, referred to Natural Resources.

**SB 511**, introduced by F. Thomas, DePratu, referred to Education.

**SB 512**, introduced by Halligan, Beck, referred to Taxation.

**SB 513**, introduced by Elliott, Cobb, Tester, referred to Federal Relations, Energy, and Telecommunications.

**SB 514**, introduced by Grosfield, referred to Business and Labor.

**SB 519**, introduced by Roush, Bohlinger, F. Thomas, E. Clark, DePratu, Ekegren, Ellingson, L. Holden, Stonington, Witt, referred to Taxation.

**SB 520**, introduced by Bohlinger, Doherty, Mohl, Shea, Taylor, F. Thomas, referred to Business and Labor.

**SB 521**, introduced by Doherty, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 319** - Representative Forrester moved **SB 319** be concurred in.

**SB 319** - Representative Lee moved **SB 319**, second reading copy, be amended as follows :

1. Title, page 1, line 8 through line 13.

**Strike:** "ELIMINATING" on line 8 through "COMPLETE;" on line 13

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

2. Title, page 1, line 16 and line 17.

**Strike:** "GENERALLY" through "FACILITIES;" on line 17

3. Title, page 1, line 18.

**Strike:** "75-20-104,"

**Following:** "75-20-201,"

**Insert:** "75-20-201,"

**Strike:** "70-20-207, 70-20-208, 75-20-211,"

4. Title, page 1, line 19.

**Following:** "75-20-223,"

**Insert:** "AND"

**Strike:** "75-20-301," through "75-20-406,"

5. Title, page 1, line 20.

**Strike:** "REPEALING" through "MCA;"

6. Page 2, line 19 through page 5, line 27.

**Strike:** section 2 in its entirety

**Insert:** "Section 2. Section 75-20-201, MCA, is amended to read:

**"75-20-201. Certificate required -- operation in conformance -- certificate for nuclear facility -- applicability to federal facilities.** (1) Except for a facility under diligent onsite physical construction or in operation on January 1, 1973, a person may not commence to construct a facility in the state without first applying for and obtaining a certificate of environmental compatibility issued with respect to the facility by the department.

(2) A facility with respect to which a certificate is issued may not be constructed, operated, or maintained except in conformity with the certificate and any terms, conditions, and modifications contained within the certification.

(3) A certificate may only be issued pursuant to this chapter.

(4) If the department decides to issue a certificate for a nuclear facility, it shall report the recommendation to the applicant and may not issue the certificate until the recommendation is approved by a majority of the voters in a statewide election called by initiative or referendum according to the laws of this state.

~~(5) A person that proposes to construct an energy-related project that is not defined as a facility pursuant to 75-20-104(8) may petition the department to review the energy-related project under the provisions of this chapter.~~

~~(6)(5)~~ This chapter applies, to the fullest extent allowed by federal law, to all federal facilities and to all facilities over which an agency of the federal government has jurisdiction.""

7. Page 6, line 19 through page 8, line 23.

**Strike:** section 3 through section 5 in their entirety

**Renumber:** subsequent sections

8. Page 8, line 27.

**Strike:** "30"

**Insert:** "60"

9. Page 9, line 1.

**Strike:** "15"

**Insert:** "30"

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

10. Page 9, line 15.

**Strike:** "board"

**Insert:** "department"

11. Page 10, line 12.

**Strike:** "department"

**Insert:** "board shall hold a hearing in the same manner as a hearing is held on an application for a certificate. After hearing, the board"

12. Page 10, line 16 and line 17.

**Strike:** "department" in both places

**Insert:** "board" in both places

13. Page 10, line 18.

**Following:** "appropriate"

**Insert:** "unless the department's determination is appealed to the board within 15 days after notice of the department's determination is given.

(3) If the department or the board, under subsection (4), determines that a hearing is required because the proposed change would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility, the applicant has the burden of showing by clear and convincing evidence that the amendment should be granted.

(4) If the department determines that the proposed change in the facility would not result in a material increase in any environmental impact or would not be a substantial change in the location of all or a portion of the facility and a hearing is required because the department's determination is appealed to the board as provided in subsection (2), the appellant has the burden of showing by clear and convincing evidence that the proposed change in the facility would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility as set forth in the certificate"

14. Page 11, line 9.

**Following:** "certificate,"

**Insert:** ", the renewal of a certificate,"

15. Page 11, line 13.

**Following:** "renewal"

**Insert:** "or renewal"

16. Page 11, line 26 through page 16, line 24.

**Strike:** section 10 through 14 in their entirety

**Renumber:** subsequent sections

17. Page 17, line 3.

**Strike:** ", (8)(b),"

**Insert:** "or"

**Strike:** "₂ or (8)(f),"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 319** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lee, Lenhart, Mangan, Raser, Smith, Tramelli, Waddill, Wanzenried.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 431** - Representative P. Clark moved **SB 431** be concurred in. Motion carried as follows:

Ayes: Andersen, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Erickson, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 67

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Noes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Curtiss, Davies, Devlin, Eggers, Esp, Holden, Jackson, Kasten, Laible, Masolo, Matthews, Olson, Rice, Ripley, Steinbeisser, Story, Vick, Witt, Mr. Speaker.

Total 27

Excused: None.

Total 0

Absent or not voting: Bitney, Clancy, Forrester, Gallik, Jayne, Somerville.

Total 6

**SB 437** - Representative Brueggeman moved **SB 437** be concurred in.

**SB 437** - Representative P. Clark moved **SB 437**, second reading copy, be amended as follows :

1. Page 4, line 7.

**Strike:** "75%"

**Insert:** "50%"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, Newman, Raser, Schmidt, Tramelli, Tropila, Wanzenried.

Total 35

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 437** - Representative Golie moved **SB 437**, second reading copy, be amended as follows :

1. Page 4, line 5 through line 10.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Newman, Raser, Schmidt, Tramelli, Tropila, Wanzenried.

Total 34

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Excused: None.

Total 0

Absent or not voting: Mangan, Waitschies.

Total 2

Motion that **SB 437** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 72

Noes: Bixby, Buzzas, Callahan, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, Newman, Raser, Tramelli, Wanzenried.

Total 27

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**SB 476** - Representative Schrumpf moved **SB 476** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Hurdle.

Total 1

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**SB 442** - Representative Lee moved **SB 442** be concurred in. Motion carried as follows:

Ayes: Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Younkin.

Total 73

Noes: Adams, Andersen, Dale, Davies, Devlin, Esp, Fisher, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Pattison, Rice, Ripley, Rome, Schrumpf, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 26

Excused: None.

Total 0

Absent or not voting: Wolery.

Total 1

**SB 466** - Representative Esp moved **SB 466** be concurred in.

**SB 466** - Representative Esp moved **SB 466**, second reading copy, be amended as follows :

1. Title, line 5.

**Strike:** "ORDER ASSISTED OUTPATIENT"

**Insert:** "COMMIT A PERSON TO COMMUNITY"

2. Title, line 6.

**Strike:** "12"

**Insert:** "6"

**Strike:** "FINDINGS,"

**Insert:** "OPTIONAL"

3. Title, line 7 an line 8.



HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

**Strike:** "TO OBTAIN AN ORDER FOR ASSISTED OUTPATIENT"

**Insert:** "FOR A COMMITMENT TO COMMUNITY"

**Following:** "TREATMENT;" on line 7

**Strike:** remainder of line 7 through "MONTHS;" on line 8

4. Title, line 12.

**Strike:** "THE ASSISTED OUTPATIENT"

**Insert:** "COMMUNITY"

5. Page 1, line 18.

**Strike:** "assisted outpatient"

6. Page 1, line 20.

**Strike:** "assisted outpatient"

7. Page 1, line 22.

**Strike:** "3"

**Insert:** "2"

8. Page 1, line 30 through page 3, line 3.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

9. Page 3, line 5.

**Strike:** "Assisted outpatient treatment"

**Insert:** "Treatment"

**Following:** "choice"

**Strike:** remainder of line 5 through "directive]" on line 6

10. Page 3, line 7.

**Strike:** "The"

**Insert:** "If the court orders a treatment plan under this section as a condition of a commitment for treatment in a community facility, program, or course of treatment, the"

11. Page 3, line 15 and 16.

**Following:** "RESPONDENT" on line 15

**Strike:** remainder of line 15 through "order" on line 16

12. Page 3, line 23 through page 4, line 7.

**Strike:** subsections (6) and (7) in its entirety

13. Page 4, line 9 through line 21.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

14. Page 4, line 23.

**Strike:** "to assisted outpatient"

**Insert:** "of condition for"

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

**Following:** "treatment"

**Insert:** "plan"

15. Page 4, line 24.

**Following:** "respondent"

**Insert:** "has been ordered to follow a treatment plan and the respondent"

16. Page 4, line 25.

**Strike:** "assisted outpatient"

**Following:** "treatment"

**Insert:** "pursuant to a commitment to a community facility or program or course of treatment"

17. Page 5, line 6 through line 14.

**Strike:** subsections (3) and (4) in its entirety

18. Page 5, line 16.

**Strike:** "for assisted outpatient treatment"

19. Page 5, line 18.

**Strike:** "assisted outpatient treatment"

**Insert:** "a commitment to a community facility or program or course of treatment"

20. Page 12, line 14.

**Following:** "commitment"

**Insert:** "and the appropriate disposition under 53-21-127"

21. Page 13, line 27 through page 14, line 6.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsection

22. Page 14, line 19.

**Following:** "hearing"

**Insert:** "and pursuant to the provisions in subsection (7)"

23. Page 14, line 20.

**Following:** "months;"

**Insert:** "or"

24. Page 14, line 21 through line 22.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

25. Page 14, line 24.

**Strike:** "3"

**Insert:** "6"

26. Page 15, line 24.

**Strike:** "(3)(c)"

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

**Insert:** "(3)(b)"

27. Page 16, line 7.

**Following:** "and"

**Insert:** "and"

28. Page 16, line 9 and line 10.

**Following:** "alternatives"

**Strike:** remainder of line 9 through "2" on line 10

29. Page 16, line 14.

**Following:** "hospital or"

**Insert:** "the period of commitment"

30. Page 16, line 15.

**Strike:** "(3)(a) or (3)(c)"

31. Page 17, line 9.

**Following:** "months"

**Strike:** remainder of line 9 through "months"

32. Page 17, line 15 and line 16.

**Strike:** "12-MONTH" on line 15

**Strike:** "ASSISTED" on line 15 through "(3)(B)" on line 16

**Insert:** "a community facility or program or course of treatment"

33. Page 17, line 17.

**Strike:** "ASSISTED OUTPATIENT TREATMENT"

**Insert:** "commitment"

34. Page 17, line 19.

**Strike:** "OF ASSISTED OUTPATIENT TREATMENT"

35. Page 18, line 7.

**Strike:** "6"

**Insert:** "4"

36. Page 18, line 9.

**Strike:** "6"

**Insert:** "4"

37. Page 18, line 11 through line 15.

**Strike:** section 18 in its entirety

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Barrett, P. Clark, Gillan.

Total 3

Motion that **SB 466**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Newman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 473** - Representative Jent moved **SB 473** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gallus, Sliter.

Total 2

**SB 384** - Representative R. Brown moved consideration of **SB 384** and **SJR 2** be placed at the bottom of the second reading board. Motion carried.

**SB 348** - Representative Facey moved consideration of **SB 348** be placed below **SB 359** on the second reading board. Motion carried.

**SB 359** - Representative Noennig moved **SB 359** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 83

Noes: Adams, Bookout-Reinicke, E. Clark, Curtiss, Devlin, Fisher, Kasten, Lindeen, Mood, Olson, Pattison, Raser, Smith, Steinbeisser, Wanzenried.

Total 15

Excused: None.

Total 0

Absent or not voting: P. Clark, Younkin.

Total 2

**SB 348** - Representative P. Clark moved **SB 348** be concurred in.

**SB 348** - Representative Mood moved **SB 348**, second reading copy, be amended as follows :

1. Page 3, line 12.

**Following:** "REQUEST."

**Insert:** "The owner or permitholder is not subject to any liability as a result of not making a request."

Amendment **adopted** as follows:

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Fisher, Forrester, Fritz, Fuchs, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 74

Noes: Buzzas, Cyr, Eggers, Esp, Facey, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jayne, Jent, Kaufmann, Lindeen, Mangan, Musgrove, Newman, Noennig, K. Peterson, Raser, Smith, Thomas, Tramelli, Waddill, Wolery.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **SB 348**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.  
Total 70

Noes: Bixby, Bookout-Reinicke, Callahan, Cyr, Eggers, Facey, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Lindeen, Mangan, Newman, Noennig, K. Peterson, Raser, Schmidt, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 427** - Representative Esp moved **SB 427** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Fritz.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 241** - Representative Younkin moved **SB 241** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Schmidt.  
Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 80

Noes: Bixby, P. Clark, Eggers, Erickson, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Lee, Lindeen, Mangan, Newman, Schmidt, Wanzenried.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Total 19

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**MOTIONS**

Representative Sliter moved that the House reconsider its action on **SB 432** and that it be printed and placed on second reading for the purpose of amendments. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 426** - Representative Mangan moved **SB 426** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Cyr, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 80

Noes: Adams, Balyeat, R. Brown, Curtiss, Dale, Dell, Haines, Jayne, Laible, Laszloffy, Rice, Ripley, Rome, Steinbeisser, Thomas, Vick, Mr. Speaker.

Total 17

Excused: None.

Total 0

Absent or not voting: Bitney, Carney, Jackson.

Total 3

**SB 445** - Representative Sliter moved consideration of **SB 445** be passed for the day. Motion carried.

**SB 474** - Representative Sliter moved **SB 474** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman,



HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bitney, Lee, Sliter.

Total 3

**SB 429** - Representative K. Peterson moved **SB 429** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 484** - Representative Younkin moved **SB 484** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Waddill, Wanzenried.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 387** - Representative Wanzenried moved consideration of **SB 387** be placed below **SB 167** on the second reading board. Motion carried.

**SB 377** - Representative Golie moved consideration of **SB 377** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 472** - Representative Olson moved **SB 472** be concurred in. Motion failed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lehman, Mangan, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Shockley, Sliter, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 44

Noes: Adams, Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Matthews, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Rome, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Vick, Waddill, Wanzenried.

Total 55

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

**SJR 12** - Representative B. Thomas moved **SJR 12** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Esp.

Total 1

**SB 397** - Representative Mangan moved consideration of **SB 397** be placed below **SB 396** on the second reading board.  
Motion carried.

**SB 320** - Representative Pattison moved **SB 320** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Eggers, Facey, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laible, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 74

Noes: Adams, Balyeat, Barrett, Branae, R. Brown, Cyr, Davies, Dell, Erickson, Esp, Fisher, Fritz, Himmelberger, Jent, Kasten, Laslovich, Laszloffy, Rome, Shockley, Somerville, Story, Vick, Walters, Mr. Speaker.

Total 24

Excused: None.

Total 0

Absent or not voting: Buzzas, Forrester.

Total 2

**SB 396** - Representative Mangan moved **SB 396** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 68

Noes: Bixby, Branae, Buzzas, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Newman, Noennig, Raser, Schrumpf, Tramelli, Waddill, Wanzenried.

Total 32

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 397** - Representative Mangan moved **SB 397** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 69

Noes: Bixby, Branae, Buzzas, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Lee, Newman, Noennig, Raser, Schrumpf, Tramelli, Waddill, Wanzenried.  
Total 31

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Bitney excused at this time.

**SB 3** - Representative Waitschies moved **SB 3** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, E. Clark, P. Clark, Curtiss, Cyr, Davies, Eggers, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Holden, Jacobson, Jent, Juneau, Keane, Laible, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Olson, Pattison, A. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery.  
Total 60

Noes: Bales, Balyeat, Barrett, R. Brown, Buzzas, Callahan, Carney, Clancy, Dale, Dell, Devlin, Erickson, Facey, Fisher, Gutsche, Himmelberger, Hurdle, Jackson, Jayne, Kasten, Kaufmann, Laszloffy, Lawson, Masolo, McKenney, Mood, Noennig, K. Peterson, Raser, Ripley, Schmidt, Sliter, Somerville, Story, Vick, Walters, Wanzenried, Younkin, Mr. Speaker.  
Total 39

Voted Absentee: Bitney, Aye.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Excused: None.  
Total 0

Absent or not voting: Esp.  
Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hedges, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumph, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Bixby, Erickson, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Schmidt, Wanzenried.  
Total 16

Excused: Bitney.  
Total 1

Absent or not voting: R. Brown, Callahan, Gillan, Himmelberger, Story.  
Total 5

**SPECIAL ORDERS OF THE DAY**

Representative Devlin introduced the Custer County Chorale. The group sang two songs for the House.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 387** - Representative Wanzenried moved **SB 387** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 191** - Representative Younkin moved **SB 191** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Bales, Barrett, R. Brown, E. Clark, Devlin, Eggers, Erickson, Fritz, Gillan, Golie, Gutsche, Himmelberger, Hurdle, Jayne, Jent, Kasten, Kaufmann, Lee, McCann, Musgrove, Story, Tramelli.

Total 22

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

**SB 377** - Representative Sliter moved consideration of **SB 377** be placed at the top of the second reading board. Motion carried.

**SB 432** - Representative Sliter moved consideration of **SB 432** be placed below **SB 377** on the second reading board. Motion carried.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

**SB 377** - Representative Mood moved **SB 377** be concurred in.

**SB 377** - Representative Gutsche moved **SB 377**, second reading copy, be amended as follows :

1. Page 3, line 26 through line 28.

**Strike:** "However," on line 26 through "procedures." on line 28

2. Page 4, line 20.

**Following:** "type."

**Insert:** "However, related future actions may only be considered when these actions are under concurrent consideration by any agency through preimpact statement studies, separate impact statement evaluations, or permit processing procedures."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Excused: Bitney.

Total 1

Absent or not voting: Forrester, Mangan.

Total 2

**SB 377** - Representative Erickson moved **SB 377**, second reading copy, be amended as follows :

1. Page 3, line 26.

**Following:** "actions"

**Strike:** "may only"

**Insert:** "must also"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Excused: Bitney.

Total 1

Absent or not voting: Forrester.

Total 1

**SB 377** - Representative Gutsche moved **SB 377**, second reading copy, be amended as follows :

1. Title, line 11 through line 14.

**Following:** "~~75-1-201, MCA~~"

**Strike:** remainder of line 11 through "~~82-4-432~~" on line 14

**Insert:** "AMENDING SECTION 75-1-201"

2. Page 1, line 26 through page 2, line 6.

**Strike:** subsections (2) and (3) in their entirety

**Renumber:** subsequent subsections

3. Page 2, line 7.

**Following:** "(4)"

**Strike:** "~~(A)~~"

**Following:** "subsection"

**Strike:** "(5)"

**Insert:** "(3)"

4. Page 2, line 8.

**Strike:** "(4)"

**Insert:** "(2)"

5. Page 2, line 11.

**Strike:** "~~(i)~~"

**Insert:** "(a)"

**Renumber:** subsequent subsections

6. Page 2, lines 15 through 20.

**Strike:** subsection (b) in its entirety

7. Page 2, line 21.

**Strike:** "(4)"

**Insert:** "(2)"

8. Page 2, line 24.

**Strike:** "(4)"



HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

**Insert:** "(2)"

9. Page 2, line 26 through line 29.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsections

10. Page 3, line 2.

**Strike:** "(7)(B)"

**Insert:** "(4)(b)"

11. Page 3, line 10.

**Strike:** "(7)(A)"

**Insert:** "(4)(a)"

12. Page 3, line 18 through line 21.

**Strike:** "The" on line 18 through "issue." on line 21

13. Page 4, line 2 through line 12.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

14. Page 7, line 24 through page 25, line 13.

**Strike:** sections 4 through 13 in their entirety

**Renumber:** subsequent sections

15. Page 25, line 19 through line 24.

**Strike:** subsections (1) and (2) in their entirety

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Voted Absentee: Bitney, No.

Excused: None.

Total 0

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Absent or not voting: Gallik.  
Total 1

Motion that **SB 377** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 432** - Representative McKenney moved that Representative R. Brown's amendment #630855CW be stripped from the bill with the original amendment remaining. Motion carried

Motion that **SB 432**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Buzzas, Carney, Jayne, McCann, Musgrove.  
Total 5

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Absent or not voting: Forrester.  
Total 1

**SB 393** - Representative Waitschies moved **SB 393** be concurred in.

**SB 393** - Representative Facey moved **SB 393**, second reading copy, be amended as follows :

1. Page 2, line 16.

**Strike:** "\$6"

**Insert:** "\$2"

2. Page 2, line 17.

**Following:** "(K)"

**Following:** "and \$4 to be allocated to the university system"

**SB 393** - Representative Facey moved the amendment be divided. Thereupon, the second amendment was **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Tramelli, Tropila, Younkin.

Total 37

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 63

Voted Absentee: Bitney, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

The first amendment was **not** adopted as follows:

Ayes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Pattison, Raser, Tramelli, Tropila, Wanzenried.

Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Golie, Hedges, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Voted Absentee: Bitney, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 393** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Bixby, R. Brown, Eggers, Erickson, Esp, Gutsche, Harris, Himmelberger, Hurdle, Jayne, Juneau, McCann, Musgrove, Mr. Speaker.

Total 14

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Lenhart, Mangan.

Total 2

**SB 242** - Representative Haines moved **SB 242** be concurred in.

Representative Newman moved for cloture. Motion carried.

Motion that **SB 242** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Keane, Laible, Laszloffy, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kasten, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Mangan, Matthews, Newman, Noennig, Pattison, K. Peterson, Schmidt, Smith, Somerville, Tramelli.

Total 40

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Jacobson, Lehman.

Total 2

**SB 323** - Representative Sliter moved **SB 323** be concurred in.

Representative Dell expressed a conflict of interest and abstained from voting.

**SB 323** - Representative Musgrove moved **SB 323**, second reading copy, be amended as follows :

1. Page 2, line 8.

**Following:** "omissions"

**Insert:** "or omissions"

2. Page 2, line 9.

**Following:** "act"

**Insert:** "or omission"

3. Page 2, line 10.

**Following:** "act"

**Insert:** "or omission"

4. Page 2, line 15.

**Following:** "act"

**Insert:** "or omission"

5. Page 2, line 17 through line 18.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

6. Page 2, line 20.

**Following:** "act"

**Insert:** "or omission"

Amendment **not** adopted as follows:

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lenhart, Mangan, Musgrove, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 37

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Excused: Bitney.

Total 1

Absent or not voting: Dell.

Total 1

Motion that **SB 323** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 40

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Dell.

Total 1

**SB 314** - Representative Galvin-Halcro moved **SB 314** be concurred in. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Mangan, Musgrove, Price, Raser, Schmidt, Shockley, Smith, Tramelli, Waddill, Wanzenried.

Total 42

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Hedges, Holden, Jackson, Jent, Kasten, Laszloffy, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Voted Absentee: Bitney, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 369** - Representative Gallik moved **SB 369** be concurred in.

**SB 369** - Representative Gallik moved **SB 369**, second reading copy, be amended as follows :

1. Title, line 6.

**Following:** "~~RELATIONSHIP~~"

**Insert:** "OR HAVE A BONA FIDE FINANCIAL BUSINESS RELATIONSHIP"

2. Page 1, line 16.

**Strike:** "OR"

3. Page 1, line 17.

**Following:** "or"

**Insert:** "; or"

4. Page 1, line 18.

**Following:** "project"

**Insert:** "(3) a bona fide financial business relationship in the construction industry other than working on a public works project"

Amendment **not** adopted as follows:

Ayes: P. Clark, Dell, Fritz, Gallik, Gallus, Gillan, Golie, Hurdle, Kaufmann, Keane, Lenhart, Musgrove, Smith, Tramelli.

Total 14

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fuchs, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Total 82

Excused: None.

Total 0

Absent or not voting: Buzzas, Forrester, McCann, Wolery.

Total 4

Motion that **SB 369** be concurred in failed as follows:

Ayes: Bookout-Reinicke, Buzzas, P. Clark, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Kaufmann, Keane, Lenhart, Mangan, Musgrove, Tramelli, Tropila.

Total 20

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Haines, Hedges, Jackson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 74

Excused: None.

Total 0

Absent or not voting: Balyeat, Forrester, Himmelberger, Holden, Jacobson, McCann.

Total 6

**SB 384** - Representative Laszloffy moved **SB 384** be concurred in.

**SB 384** - Representative Shockley moved **SB 384**, second reading copy, be amended.

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Galvin-Halcro, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Schrupf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, K. Peterson, Raser, Schmidt, Smith, Somerville, Tramelli, Tropila, Wanzenried.

Total 38

Excused: None.

Total 0



HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Absent or not voting: Gallus, McCann, Rome.  
Total 3

Representative Shockley moved to withdraw his amendment (720736CW.hdc). Motion carried.

**SB 384** - Representative Shockley moved **SB 384**, corrected second reading copy, be amended as follows :

1. Title, line 5.

**Strike:** "MAXIMUM"

**Following:** "STRAYING"

**Strike:** "ENTERING"

**Insert:** "STRAYING"

2. Page 1, line 26.

**Strike:** "ENTERING"

**Insert:** "straying"

3. Page 2, line 3.

**Strike:** "enters"

**Insert:** "strays onto"

**Strike:** "real"

4. Page 2, line 4.

**Strike:** "real"

5. Page 2, line 7.

**Strike:** "IS" through "\$50"

**Insert:** "commits negligent straying onto private property. A person convicted of negligent straying onto private property shall be fined \$100"

Amendment **not** adopted as follows:

Ayes: Bales, P. Clark, Esp, Fritz, Gallus, Gillan, Gutsche, Harris, Laszloffy, Musgrove, Newman, Olson, Raser, Schmidt, Shockley, Thomas, Vick, Waitschies, Walters, Younkin.

Total 20

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Fuchs, Gallik, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 78

Excused: None.

Total 0

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Absent or not voting: Dale, Forrester.  
Total 2

Motion that **SB 384** be concurred in failed as follows:

Ayes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Lawson, Mangan, Musgrove, Newman, Noennig, K. Peterson, Raser, Rome, Schmidt, Smith.  
Total 31

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 67

Excused: None.  
Total 0

Absent or not voting: Forrester, Fritz.  
Total 2

**SB 477** - Representative Raser moved **SB 477** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 96

Noes: Gillan, Juneau, Mr. Speaker.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

**SB 138** - Representative Mangan moved **SB 138** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 89

Noes: Adams, R. Brown, Davies, Kasten, Laszloffy, Lawson, Lewis, Pattison, Vick, Mr. Speaker.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Bales.  
Total 1

**SB 167** - Representative Harris moved **SB 167** be concurred in.

**SB 167** - Representative McGee moved **SB 167**, second reading copy, be amended as follows :

1. Page 2, line 4 through line 5.

**Following:** "~~into~~"

**Strike:** "TO" on line 4 through "OR" on line 5

**Insert:** "to grant an easement or enter into"

2. Page 2, line 17.

**Following:** "survey"

**Insert:** "or certificate of survey"

3. Page 5, line 24.

**Following:** "survey"

**Insert:** "or certificate of survey subject to review under this part"

4. Page 8, line 29.

**Following:** "survey"

**Insert:** "or certificate of survey subject to review under this part"

5. Page 9, line 3.

**Following:** "survey"

**Insert:** "or certificate of survey"

6. Page 9, line 4.

**Following:** "survey"

**Insert:** "or certificate of survey subject to review under this part"

7. Page 9, line 6.

**Following:** "survey"

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

**Insert:** "or certificate of survey subject to review under this part"

8. Page 9, line 9.

**Following:** "survey"

**Insert:** "or certificate of survey"

9. Page 9, line 15.

**Following:** "survey"

**Insert:** "or certificate of survey"

10. Page 9, line 20.

**Following:** "survey"

**Insert:** "or certificate of survey"

11. Page 9, line 21.

**Following:** "survey"

**Insert:** "or certificate of survey"

12. Page 10, line 13.

**Following:** "days."

**Insert:** "The reviewing authority may not request additional information for the purpose of extending the time allowed for a review and final decision on the proposed subdivision."

13. Page 11, line 8.

**Following:** "survey"

**Insert:** "or a certificate of survey subject to review under this part"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Dale, Mangan.

Total 2

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Motion that **SB 167**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 449** - Representative Wanzenried moved **SB 449** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: E. Clark, Holden.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 455** - Representative Harris moved **SB 455** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 249** - Representative Jacobson moved **SB 249** be concurred in. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Musgrove, Newman, Noennig, K. Peterson, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 44

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**SB 433** - Representative Carney moved **SB 433** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 443** - Representative Lee moved **SB 443** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Eggers, Erickson, Lenhart, Matthews, Pattison.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 448** - Representative Juneau moved **SB 448** be concurred in. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Younkin.  
Total 54

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Himmelberger, Jackson, Jayne, Kasten, Laible, Laszloffy, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Pattison, K. Peterson, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 46

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Absent or not voting: None.  
Total 0

**SJR 2** - Representative Laszloffy moved **SJR 2** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 82

Noes: Bixby, Carney, P. Clark, Eggers, Erickson, Fritz, Gallik, Galvin-Halcro, Gillan, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Lee, Schmidt, Tramelli, Wanzenried.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**



HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SJR 17** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Esp, Facey, Fisher, Forrester, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: R. Brown, Callahan, Dell, Devlin, Eggers, Erickson, Fritz, Fuchs, Galvin-Halcro, Gutsche, Himmelberger, Kaufmann, Laslovich, Lee, McCann, Newman, Raser, Wanzenried.

Total 18

Excused: None.

Total 0

Absent or not voting: Kasten, Walters.

Total 2

**MOTIONS**

Representative Jayne requested on **SB 319**, second reading today, that her vote be shown as no. There being no objections, so ordered.

Representative Gallik requested on **SB396**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Somerville requested on **HB 617**, third reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

Representative Buzzas requested on **SB 426**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Waddill requested on **SB 397**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Lehman requested on **SB 431**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Olson moved that the House reconsider its action on **SB 472**.

Representative Newman made a substitute motion to postpone **SB 472** indefinitely. Motion failed as follows:

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lewis, Lindeen, Mangan, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Vick, Wanzenried, Witt.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Jackson, Kasten, Keane, Laible, Laszloffy, Lehman, Lenhart, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Holden, Jayne.

Total 2

Motion to reconsider action on **SB 472** carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Keane, Laible, Laszloffy, Lehman, Lenhart, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Laslovich, Lawson, Lee, Lewis, Lindeen, Mangan, Newman, Noennig, Pattison, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Vick, Waddill, Wanzenried.

Total 46

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

Representative Thomas requested on **SJR 2**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Sliter moved that **SB 484**, **SB 191**, **SB 393**, and **SB 445** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs,

HOUSE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY - MARCH 30, 2001

Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Juneau, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Bixby, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jacobson, Keane, Laslovich, Lee, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Gillan, Jayne.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, March 31, 2001. Motion carried.

House adjourned at 6:38 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 31, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Thomas. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Adams and Schmidt, excused. Quorum present.

Mr. Speaker introduced the honorary pages of the week:

Catherine Bauer, Billings  
Roy L. Brown, Billings  
Andrew Bruce, Bozeman  
Kyle Robinson, Billings

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/31/2001  
Correctly engrossed: **SB 94, SB 130, SB 138, SB 145, SB 163, SB 167, SB 279, SB 304, SB 319, SB 323, SB 428, SB 431, SB 433, SB 440, SB 443, SB 448, SB 449, SB 455, SB 457, SB 477, SJR 2, SJR 9.**  
Signed by the Speaker at 7:30 a.m., March 31, 2001: **HB 109, HB 190, HB 213, HB 219, HB 332, HB 408, HB 419, HB 444, HB 451, HB 461, HB 477, HB 488, HB 504, HB 529, HB 533, HB 537, HB 609, HJR 16, HJR 21, HJR 23, HJR 24, HJR 25, HJR 29, HJR 33.**

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House: 3/30/2001

**HB 2**, introduced by Vick

**MESSAGES FROM THE GOVERNOR**

March 31, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 582** sponsored by Representative Gutsche on March 30, 2001.

Sincerely,

JUDY MARTZ

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Governor

**MOTIONS**

Representative Sliter moved that the rules be suspended for **SB 130, SB 145, SB 304, SB 389, SB 279, SB 428, SB 94, SB 344, SB 231, SB 457, SJR 9, SB 163,** and **SB 440** if amended on second reading. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker McGee in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 472** - Representative Sliter moved consideration of **SB 472** be passed for the day. Motion carried.

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Speaker McGee moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Esp, Gutsche, Harris, Jayne, Somerville, Wanzenried.

Total 6

Excused: Adams, Schmidt.

Total 2

Absent or not voting: Masolo.

Total 1

**THIRD READING OF BILLS**

Representative Sliter moved that Representatives Davies and Laszloffy on **SB 396** were in violation of the rules by being present and in their seats but not voting. Therefore, Representative Sliter moved that Representatives Davies and Laszloffy cast their vote on **SB 396**. Motion carried.

Representative Golie challenged the ruling because it would change the outcome of the votes.

A meeting of the Rules Committee was called. The ruling was upheld. Representatives Davies and Laszloffy voted

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

yes on **SB 396**.

Representative Lindeen moved that the Chief Clerk's office go through all third reading votes today and see that all members voted. Motion carried. The following Representatives who had not voted asked that their votes be shown as follows:

**SB 28**, Representative Sliter - yes. **SB 31**, Representative Tropila - yes. **SB 60**, Representative Dale - yes. **SB 82**, Representative Jackson - yes. **SB 108**, Representative Smith and Tropila - yes. **SB 132**, Representative Smith - yes. **SB 138**, Representative Jent - yes. **SB 170**, Representative Musgrove - yes. **SB 185**, Representative Witt - yes. **SB 229**, Representative Laible - no. **SB 242**, Representative Balyeat - yes. **SB 256**, Representative Jent - yes. **SB 288**, Representative Juneau - yes. **SB 310**, Representative Fisher - yes. **SB 318**, Representative Davies - yes. **SB 323**, Representative Smith - yes. **SB 396**, Representative Davies and Laszloffy - yes. **SB 426**, Representative Devlin - no. **SB 427**, Representative Gutsche - yes. **SB 449**, Representative Smith - no. **SB 465**, Representative Fritz - yes. **SB 474**, Representative Buzzas - yes. **SJR 10**, Speaker McGee - yes.

After vote clarifications the following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 3, as amended by the House**, concurred in as follows:

Ayes: Adams, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Eggers, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery.

Total 67

Noes: Andersen, Bales, Balyeat, Barrett, R. Brown, Buzzas, Dale, Dell, Devlin, Erickson, Esp, Fisher, Gutsche, Himmelberger, Hurdle, Jackson, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Masolo, McKenney, Noennig, K. Peterson, Schmidt, Sliter, Somerville, Story, Vick, Wanzenried, Younkin, Mr. Speaker.

Total 33

Voted Absentee: Adams, Aye; Schmidt, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 28, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 31** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Buzzas, P. Clark, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Wanzenried.

Total 15

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 48, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Total 83

Noes: Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Gutsche, Haines, Harris, Hurdle, Keane, Laslovich, Lenhart, Matthews, Sliter, Tropila.

Total 17

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 51, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Dale, Esp, Kasten, Laible, Mood, Pattison, Story.

Total 7

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 60, as amended by the House**, concurred in as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Smith, Thomas, Tramelli, Whitaker, Wolery, Younkin.

Total 58

Noes: Adams, Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fuchs, Gallus, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis,



HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

McCann, Mood, Pattison, Rice, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Mr. Speaker.

Total 42

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 77, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Adams, Balyeat, Clancy, Davies, Jackson, Kasten, Mood, Pattison, Rice, Ripley, Vick, Waitschies.

Total 12

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 82, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 89** concurred in as follows:

Ayes: Adams, Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 78

Noes: Bales, Balyeat, Bitney, D. Brown, E. Clark, Curtiss, Dale, Davies, Fisher, Kasten, Laible, Laszloffy, Lewis, McCann, Mood, Pattison, K. Peterson, Shockley, Somerville, Story, Vick, Mr. Speaker.

Total 22

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 104, as amended by the House**, concurred in as follows:

Ayes: Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Erickson, Facey, Forrester, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery, Younkin.

Total 53

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Curtiss, Davies, Dell, Devlin, Eggers, Esp, Fisher, Fritz, Fuchs, Gallik, Galvin-Halcro, Himmelberger, Hurdle, Jackson, Kasten, Laible, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Mr. Speaker.

Total 47

Voted Absentee: Schmidt, Aye; Adams, No.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 108, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 91

Noes: Adams, Balyeat, Davies, Mood, Pattison, Sliter, Somerville, Vick, Mr. Speaker.  
Total 9

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 116, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Adams, Balyeat, Davies, Kasten, Laible, Laszloffy, Mood, Pattison, Vick.  
Total 9

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Absent or not voting: None.  
Total 0

**SB 132, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 135, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

**SB 138, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 88

Noes: Adams, R. Brown, Brueggeman, Clancy, Curtiss, Davies, Laszloffy, Lewis, Shockley, Sliter, Vick, Mr. Speaker.

Total 12

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 151, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Newman, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Story, Thomas, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin.

Total 65

Noes: Balyeat, Bixby, Buzzas, Carney, Cyr, Eggers, Erickson, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, Mood, Musgrove, Noennig, Pattison, K. Peterson, Smith, Steinbeisser, Tramelli, Waitschies, Wanzenried, Mr. Speaker.

Total 35

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 152, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Gallik, Waitschies.

Total 2

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 167, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 170, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 90

Noes: Adams, Balyeat, Dale, Davies, Fisher, Kasten, Laszloffy, Shockley, Vick, Mr. Speaker.  
Total 10

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 185, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Adams, Holden, Kasten, Pattison, Vick.  
Total 5

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 196, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, Raser, Rice, Schmidt, Schrumpf, Smith, Steinbeisser, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Younkin.  
Total 60

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Clancy, Curtiss, Dale, Davies, Dell, Esp, Fisher, Fritz, Harris, Holden, Jackson, Jent, Laible, Laszloffy, McCann, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Shockley, Sliter, Somerville, Story, Thomas, Vick, Waitschies, Walters, Wolery, Mr. Speaker.  
Total 40

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 197, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 81

Noes: Bales, Barrett, Brueggeman, Carney, Clancy, Curtiss, Esp, Fisher, Harris, Holden, Laible, Laszloffy, Masolo, Olson, Rice, Ripley, Sliter, Somerville, Steinbeisser.  
Total 19

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 204, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100



HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Noes: None.  
Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 221, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wolery, Younkin, Mr. Speaker.  
Total 81

Noes: Bookout-Reinicke, Buzzas, Callahan, Carney, Eggers, Fritz, Galvin-Halcro, Golie, Hurdle, Jent, Kaufmann, Lee, Smith, Somerville, Tramelli, Tropila, Wanzenried, Whitaker, Witt.  
Total 19

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 229, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Clancy, E. Clark, Curtiss, Davies, Devlin, Fisher, Fuchs, Kasten, Laible, Laszloffy, Lehman, Masolo, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Steinbeisser, Vick, Witt, Wolery.  
Total 23

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 241, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Erickson, Gallus, Smith.

Total 3

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 242, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Fuchs, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lehman, Lewis, Lindeen, Masolo, McKenney, Musgrove, Olson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Mangan, Matthews, McCann, Mood, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Schmidt, Somerville, Steinbeisser, Tramelli, Wolery.

Total 41

Voted Absentee: Adams, Aye; Schmidt, No.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 243, as amended by the House, failed** as follows:

Ayes: Andersen, Balyeat, Bitney, Branae, Brueggeman, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Gallus, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lehman, Lenhart, Mangan, Masolo, Matthews, McKenney, Mood, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.  
Total 44

Noes: Adams, Bales, Barrett, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lewis, Lindeen, McCann, Musgrove, Newman, Noennig, Pattison, K. Peterson, Raser, Schmidt, Shockley, Smith, Tramelli, Vick, Wanzenried, Wolery, Younkin.  
Total 56

Voted Absentee: Adams, Schmidt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 245, as amended by the House, concurred in** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 77

Noes: Bixby, Branae, Buzzas, Cyr, Eggers, Erickson, Facey, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Lewis, Mangan, McCann, Newman, Raser, Tramelli.  
Total 23

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Absent or not voting: None.  
Total 0

**SB 256** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Adams, D. Brown, Buzzas, Gallus, Kaufmann.  
Total 5

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 283, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Mangan.  
Total 1

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

**SB 288, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin.

Total 98

Noes: Whitaker, Mr. Speaker.

Total 2

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 293, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 99

Noes: Mr. Speaker.

Total 1

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 298, as amended by the House**, concurred in as follows:

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 98

Noes: Gallus, Mr. Speaker.

Total 2

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 300** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Buzzas, Eggers, Erickson, Gutsche, Hurdle, Juneau, Kaufmann, Smith, Wanzenried.

Total 9

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 309, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin.

Total 83

Noes: Adams, Balyeat, Callahan, Clancy, Curtiss, Davies, Eggers, Golie, Jackson, Laszloffy, Lewis, Masolo, Thomas, Vick, Whitaker, Mr. Speaker.

Total 16

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: Schrumpf.

Total 1

**SB 310, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Adams.

Total 1

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 318, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Fuchs, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Bixby, Buzzas, Eggers, Erickson, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jent, Juneau, Kaufmann, Wanzenried.

Total 15

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 319, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Mangan, Newman, Raser, Schmidt, Smith, Tramelli, Waddill, Wanzenried.

Total 33

Voted Absentee: Adams, Aye; Schmidt, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 320, as amended by the House**, concurred in as follows:

Ayes: Bales, Bitney, Bixby, Bookout-Reinicke, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Eggers, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.



HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Total 66

Noes: Adams, Andersen, Balyeat, Barrett, Branae, R. Brown, Brueggeman, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Fuchs, Gallus, Himmelberger, Holden, Jackson, Kasten, Laslovich, Laszloffy, Olson, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Walters, Mr. Speaker.

Total 34

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 323** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 40

Voted Absentee: Adams, Aye; Schmidt, No.

Excused: None.

Total 0

Absent or not voting: Dell.

Total 1

**SB 327, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Noes: Carney, P. Clark, K. Peterson.  
Total 3

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 330, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: R. Brown, Laszloffy, Lewis, McKenney, Somerville.  
Total 5

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 339, as amended by the House**, concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Adams, Bales, Balyeat, Curtiss, Davies, Kasten, Mood, Pattison, Somerville, Steinbeisser, Vick, Waitschies.  
Total 12

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 348, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Branae, D. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jacobson, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Vick, Waitschies, Walters, Wanzenried, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Adams, Bitney, Bixby, Bookout-Reinicke, R. Brown, Callahan, Dell, Eggers, Facey, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Mangan, Newman, Noennig, A. Peterson, K. Peterson, Schmidt, Thomas, Tramelli, Waddill, Whitaker, Witt.

Total 31

Voted Absentee: Adams, Schmidt, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 356, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Schmidt, Ayes.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 359, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Ripley, Rome, Schmidt, Schrumpf, Somerville, Thomas, Tramelli, Tropila, Walters, Whitaker, Wolery, Younkin.  
Total 61

Noes: Adams, Balyeat, Bookout-Reinicke, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, Lindeen, Masolo, McCann, Olson, Pattison, Raser, Rice, Shockley, Sliter, Smith, Steinbeisser, Story, Vick, Waddill, Waitschies, Wanzenried, Witt, Mr. Speaker.  
Total 39

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 377, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Tramelli, Tropila, Waddill, Wanzenried.  
Total 39

Voted Absentee: Adams, Aye; Schmidt, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Absent or not voting: None.  
Total 0

**SB 378, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 98

Noes: Adams, Mr. Speaker.  
Total 2

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 380** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Gillan.  
Total 1

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

**SB 387** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: Holden, Sliter, Mr. Speaker.

Total 3

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 390, as amended by the House**, concurred in as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Sliter, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Adams, Andersen, Balyeat, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lewis, McCann, McKenney, Mood, Pattison, Rice, Ripley, Schrumpf, Shockley, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Witt.

Total 31

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 396, as amended by the House**, concurred in as follows:

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Lindeen, Newman, Noennig, Raser, Schmidt, Schrumpf, Tramelli, Waddill, Wanzenried.  
Total 35

Voted Absentee: Adams, Aye; Schmidt, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 397** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Lindeen, Newman, Noennig, Raser, Schmidt, Schrumpf, Tramelli, Waddill, Wanzenried.  
Total 35

Voted Absentee: Adams, Aye; Schmidt, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 423, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 92

Noes: Eggers, Galvin-Halcro, Jackson, Rice, Ripley, Steinbeisser, Witt, Wolery.

Total 8

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 426, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Davies, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin.

Total 74

Noes: Adams, Balyeat, Barrett, R. Brown, E. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Holden, Jayne, Kasten, Laible, Laszloffy, Pattison, A. Peterson, Rice, Ripley, Somerville, Steinbeisser, Story, Thomas, Vick, Wolery, Mr. Speaker.

Total 26

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 427, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,



HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 429, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Gallik, Hurdle, Tramelli.

Total 4

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 431, as amended by the House**, concurred in as follows:

Ayes: Andersen, Balyeat, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, McCann, McKenney, Musgrove, Newman, Noennig, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin.

Total 68

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Noes: Adams, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Davies, Devlin, Eggers, Esp, Holden, Jackson, Kasten, Laible, Masolo, Matthews, Mood, Olson, Pattison, A. Peterson, Rice, Ripley, Rome, Somerville, Steinbeisser, Vick, Wolery, Mr. Speaker.

Total 32

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Buzzas, Carney, Facey, Gillan, Hurdle, Jayne, Kaufmann, Matthews, McCann, Musgrove, Shockley.

Total 11

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 433, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 94

Noes: Dale, Matthews, McCann, Somerville, Witt, Wolery.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Total 6

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 436, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Adams, Balyeat, Buzzas, Davies, Erickson, Esp, Himmelberger, Hurdle, Juneau, Kaufmann, Laible, Matthews, Vick.

Total 13

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 437, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 74

Noes: Bixby, Branae, Buzzas, Callahan, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Laszloffy, Lee, Mangan, Newman, Wanzenried, Mr. Speaker.

Total 26

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 441, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin.

Total 89

Noes: Adams, Balyeat, Davies, Kasten, Laszloffy, Pattison, Somerville, Vick, Witt, Wolery, Mr. Speaker.

Total 11

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 442, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 78

Noes: Adams, Balyeat, Clancy, Curtiss, Dale, Davies, Devlin, Esp, Hedges, Himmelberger, Kasten, Laible, Laszloffy, McCann, Olson, Rice, Ripley, Steinbeisser, Story, Waitschies, Walters, Mr. Speaker.

Total 22

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Total 0

Absent or not voting: None.

Total 0

**SB 443, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Erickson.

Total 1

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 448, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 62

Noes: Adams, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Fuchs, Haines, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, Matthews, McCann, McKenney, Mood, Pattison, K. Peterson, Ripley, Shockley, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 38

Voted Absentee: Schmidt, Aye; Adams, No.

Excused: None.

Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Absent or not voting: None.  
Total 0

**SB 449, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Bitney, Devlin, Holden, Sliter, Somerville.  
Total 5

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 450, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Gallik, Gillan, Somerville.  
Total 3

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

**SB 455, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin.

Total 90

Noes: Balyeat, E. Clark, Dale, Devlin, Esp, Holden, Shockley, Somerville, Wolery, Mr. Speaker.

Total 10

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 465, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Esp, Somerville, Wolery.

Total 3

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 466, as amended by the House**, concurred in as follows:

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin.

Total 95

Noes: Newman, Somerville, Witt, Wolery, Mr. Speaker.

Total 5

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 469, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Bixby, R. Brown, Buzzas, Erickson, Gallik, Himmelberger, Hurdle, Juneau, Kaufmann, Mangan, Smith, Waitschies.

Total 12

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 473, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,



HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Ripley, Wolery.

Total 2

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 474, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: Balyeat, Gallus, Holden, Mr. Speaker.

Total 4

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 476, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 477, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 96

Noes: Gillan, Juneau, Witt, Mr. Speaker.

Total 4

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 491, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 2, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin.

Total 96

Noes: R. Brown, Somerville, Wolery, Mr. Speaker.

Total 4

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 10, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Total 94

Noes: R. Brown, Erickson, Gutsche, Harris, Jackson, Kaufmann.

Total 6

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 12, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: R. Brown.

Total 1

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 130** - Representative Waddill moved **SB 130** be concurred in.

**SB 130** - Representative K. Peterson moved **SB 130**, second reading copy, be amended as follows :

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

1. Title, line 6.

**Strike:** "COMMITMENT"

**Insert:** "WRITTEN AGREEMENT"

2. Title, line 9.

**Strike:** "COMMITMENT IS UNFULFILED"

**Insert:** "WRITTEN AGREEMENT IS NOT COMPLIED WITH"

3. Page 1, line 30.

**Strike:** "commitment"

**Insert:** "written agreement"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Somerville, Wolery.

Total 2

Excused: Adams, Schmidt.

Total 2

Absent or not voting: None.

Total 0

Motion that **SB 130**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Hurdle, Juneau, Laible.

Total 4

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Voted Absentee: Adams, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 145** - Representative McKenney moved **SB 145** be concurred in.

Representative K. Peterson excused at this time.

**SB 145** - Representative Gillan moved **SB 145**, second reading copy, be amended as follows :

1. Title, line 18.

**Following:** "PLAN;"

**Insert:** "REQUIRING REPAYMENT OF FOREGONE INTEREST ON THE APPROPRIATION USED TO OFFSET THE UNFUNDED LIABILITY IN THE STATE FUND;"

2. Title, line 19.

**Following:** "39-71-2316,"

**Insert:** "39-71-2320,"

3. Page 8, line 12.

**Insert:** "**Section 9.** Section 39-71-2320, MCA, is amended to read:

**"39-71-2320. Property of state fund -- investment required -- exception.** (1) Except as provided in subsection (2), all premiums and other money paid to the state fund, all property and securities acquired through the use of money belonging to the state fund, and all interest and dividends earned upon money belonging to the state fund are the sole property of the state fund and must be used exclusively for the operations and obligations of the state fund. The money collected by the state fund may not be used for any other purpose. However, state fund money must be invested by the board of investments provided for in 2-15-1808.

(2) The state fund shall pay to the general fund:

(a) ~~\$10 million in the fiscal year ending June 30, 1998; and~~

(b) ~~\$10 million in the fiscal year ending June 30, 1999~~ \$7,750,000 in the fiscal year ending June 30, 2002, and \$7,750,000 in the fiscal year ending June 30, 2003. The payment provided for in this subsection is to repay the foregone interest on the appropriation provided for in section 11, Chapter 9, Special Laws of June 1989."

**Renumber:** subsequent sections

4. Page 10, line 8.

**Following:** "5"

**Insert:** ", "

**Strike:** "and"

**Following:** "8"

**Insert:** ", and 9"

5. Page 10, line 9.

**Strike:** "9"

**Insert:** "10"

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

**Strike:** "11"

**Insert:** "12"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Voted Absentee: Schmidt, Aye; Adams, K. Peterson, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 145** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Fisher, Forrester, Fritz, Fuchs, Gallik, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Bixby, Buzzas, Callahan, P. Clark, Eggers, Erickson, Esp, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Hurdle, Jayne, Jent, Juneau, Kasten, Kaufmann, McCann, Musgrove, Raser, Smith, Story, Tropila.

Total 24

Voted Absentee: Adams, K. Peterson, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

**SB 304** - Representative Hedges moved **SB 304** be concurred in.

**SB 304** - Representative Ripley moved **SB 304**, second reading copy, be amended as follows :

1. Page 4, line 1.

**Following:** "procedures"

**Insert:** ", including a requirement that payments for projects authorized pursuant to 87-1-247 be supported by contracts, invoices, receipts, or other supporting documentation"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Buzzas.

Total 1

Voted Absentee: Adams, K. Peterson, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 304**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, K. Peterson, Schmidt, Ayes.



HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Vick moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 69

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Lee, Lindeen, Musgrove, Raser, Smith, Tramelli, Wanzenried.  
Total 28

Excused: Adams, K. Peterson, Schmidt.  
Total 3

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 389** - Representative Waitschies moved **SB 389** be concurred in. Motion failed as follows:

Ayes: Adams, Bixby, Buzzas, Cyr, Eggers, Facey, Gallik, Gallus, Himmelberger, Jacobson, Jayne, Juneau, Kaufmann, Lee, Lewis, Mangan, McCann, Musgrove, Newman, Raser, Smith, Tropila, Waitschies, Witt, Wolery.  
Total 25

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Masolo, Matthews, McKenney, Mood,

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 75

Voted Absentee: Adams, Aye; K. Peterson, Schmidt, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 457** - Speaker McGee moved consideration of **SB 457** be placed at the top of the second reading board. Motion carried.

**SB 457** - Representative Tropila moved **SB 457** be concurred in.

**SB 457** - Representative McCann moved **SB 457**, second reading copy, be amended as follows :

1. Title, line 4.

**Strike:** "A PORTION"

**Insert:** "UP TO 20 PERCENT"

2. Page 1, line 16.

**Strike:** "a portion"

**Insert:** "up to 20%"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Adams, K. Peterson, Schmidt, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Absent or not voting: None.  
Total 0

Motion that **SB 457**, as amended, be concurred in carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Adams, Bixby, Esp, Juneau, Laible, McCann.  
Total 6

Voted Absentee: K. Peterson, Schmidt, Ayes; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative R. Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Vick moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Esp.  
Total 1

Excused: Adams, K. Peterson, Schmidt.  
Total 3

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 279** - Representative Sliter moved **SB 279** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 78

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Eggers, Erickson, Facey, Gallus, Golie, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Lee, Musgrove, Raser, Shockley, Wanzenried.

Total 22

Voted Absentee: Adams, K. Peterson, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 428** - Representative Galvin-Halcro moved **SB 428** be concurred in. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 53

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, McKenney, Mood, Olson, Pattison, Rice, Ripley, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Total 47

Voted Absentee: K. Peterson, Schmidt, Ayes; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 94** - Representative Olson moved **SB 94** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, Bales, Barrett, Davies, Esp, Kasten, Lewis, Rice, Shockley, Waitschies, Walters.

Total 11

Voted Absentee: K. Peterson, Schmidt, Ayes; Adams, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 344 and SB 231** - Representative Sliter moved consideration of **SB 344** and **SB 231** be passed for the day. Motion carried.

**SJR 9** - Representative Younkin moved **SJR 9** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Noes: Adams.  
Total 1

Voted Absentee: K. Peterson, Schmidt, Ayes; Adams, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 163** - Representative Facey moved **SB 163** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Bixby, Eggers, Juneau, Musgrove.  
Total 4

Voted Absentee: Adams, K. Peterson, Schmidt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 440** - Representative Jent moved **SB 440** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Voted Absentee: Adams, K. Peterson, Schmidt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Vick moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, Eggers, Fritz, Galvin-Halcro, Hurdle, Jayne, Juneau, Musgrove, Raser, Tramelli, Wanzenried.

Total 11

Excused: Adams, K. Peterson, Schmidt.

Total 3

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Mangan requested the House to reconsider its action on **SB 397**. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lindeen, Newman, Noennig, Raser, Schmidt, Tramelli, Wanzenried.

Total 33

Voted Absentee: Adams, Mood, K. Peterson, Ayes; Schmidt, Tramelli, Noes.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Gallik moved that the House suspend the rules for the late introduction and transmittal of a bill. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Smith, Tropila, Wanzenried.  
Total 39

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, Matthews, McKenney, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 56

Excused: Adams, Mood, K. Peterson, Schmidt, Tramelli.  
Total 5

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 130, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Hurdle, Juneau.  
Total 2

Voted Absentee: Adams, K. Peterson, Schmidt, Tramelli, Ayes.



HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 304, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Adams, K. Peterson, Schmidt, Tramelli, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 457, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Adams, Bixby, Juneau, McCann.  
Total 4

Voted Absentee: K. Peterson, Schmidt, Tramelli, Ayes; Adams, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Absent or not voting: None.  
Total 0

**SB 397** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 68

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Lee, Lindeen, Newman, Noennig, Raser, Schmidt, Tramelli, Waddill, Wanzenried.  
Total 32

Voted Absentee: Adams, K. Peterson, Ayes; Schmidt, Tramelli, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Laible requested on **SB 130**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Clancy requested on **SB 428**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Juneau requested on **SB 319**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Lehman requested on **SB 431**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Holden requested on **SB 104**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Fisher requested on **SB 390**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

HOUSE JOURNAL  
SEVENTY-THIRD LEGISLATIVE DAY - MARCH 31, 2001

Representative Sliter moved that **SB 344** and **SB 231** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, April 2, 2001. Motion carried.

House adjourned at 12:32 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 2, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Gillan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Laszloffy, excused. Quorum present.

Representative Jacobson led the House in singing Happy Birthday to Representatives Brueggeman, Jackson, and Newman.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/2/2001  
Correctly enrolled: **HB 30, HB 38, HB 195, HB 346, HB 348, HB 456, HB 468, HB 505, HB 599, HB 626, HJR 34.**

**BUSINESS AND LABOR** (McKenney, Chairman): 4/2/2001  
**SB 514**, be amended as follows:

1. Title, line 8 through line 9.

**Strike:** "PROVIDING" on line 8 through "LAND;" on line 9

2. Title, line 10.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

3. Title, line 11.

**Strike:** "15-7-307 AND"

4. Page 1, line 15 through page 2, line 10.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/31/2001

**HB 30**, introduced by Matthews

**HB 38**, introduced by Schmidt

**HB 195**, introduced by Wolery

**HB 346**, introduced by Schrumpf

**HB 348**, introduced by Shockley

**HB 456**, introduced by Gutsche

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

**HB 468**, introduced by Galvin-Halcro

**HB 505**, introduced by Dell

**HB 599**, introduced by Haines

**HB 626**, introduced by McCann

House joint resolution concurred in and returned to the House:

3/31/2001

**HJR 34**, introduced by Haines

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/31/2001

**HB 144**, introduced by Noennig

**HB 146**, introduced by Shockley

**HB 165**, introduced by Gutsche

**HB 214**, introduced by Shockley

**HB 256**, introduced by Younkin

**HB 290**, introduced by Waddill

**HB 313**, introduced by Masolo

**HB 320**, introduced by Laible

**HB 324**, introduced by Mangan

**HB 340**, introduced by Younkin

**HB 345**, introduced by Mangan

**HB 360**, introduced by P. Clark

**HB 382**, introduced by Whitaker

**HB 397**, introduced by Jackson

**HB 409**, introduced by A. Peterson

**HB 434**, introduced by Schrumpf

**HB 437**, introduced by Jacobson

**HB 452**, introduced by Whitaker

**HB 491**, introduced by Tropila

**HB 495**, introduced by Olson

**HB 531**, introduced by Waitschies

**HB 543**, introduced by R. Brown

**HB 559**, introduced by Noennig

**HB 564**, introduced by Olson

**HB 572**, introduced by Bales

**HB 573**, introduced by Bales

**HB 583**, introduced by Esp

**HB 589**, introduced by Facey

**HB 596**, introduced by Bitney

**HB 603**, introduced by Shockley

**HB 605**, introduced by Mood

**HB 628**, introduced by Wolery

House joint resolutions concurred in as amended and returned to the House for concurrence in Senate amendments:

3/31/2001

**HJR 10**, introduced by Vick

**HJR 19**, introduced by Curtiss

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

**HJR 27**, introduced by Bales

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kaufmann in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 368** - Representative Younkin moved consideration of **HB 368** be passed for the day. Motion carried.

**HB 118 - Senate Amendments** - Representative Clancy moved Senate amendments to **HB 118** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Fritz, Gallik, Gillan, Gutsche, Hurdle, Keane, Mangan, Musgrove, Newman, Raser, Schmidt, Wanzenried.

Total 20

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 142 - Senate Amendments** - Representative Somerville moved Senate amendments to **HB 142** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Total 94

Noes: Erickson, Gallik, Gutsche, Juneau, Waddill, Wanzenried.

Total 6

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 172 - Senate Amendments** - Representative Holden moved Senate amendments to **HB 172** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Buzzas, Carney, P. Clark, Cyr, Gallik, Gillan, Hurdle, Keane, Lindeen, Mangan, Newman, Raser, Schmidt, Wanzenried.

Total 14

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 293 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 293** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Raser, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Total 94

Noes: Balyeat, Masolo, K. Peterson, Price, Rice, Whitaker.

Total 6

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 473 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 473** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: P. Clark, Cyr, Eggers, Gillan, Golie, Harris, Hurdle, Jayne, Jent, Lee, Smith, Tramelli, Wanzenried.

Total 13

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2 - Senate Amendments** - Representative Vick moved Senate amendments to **HB 2** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Total 97

Noes: Cyr, Erickson, Juneau.

Total 3

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 226** - Representative Newman moved **SB 226** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Callahan, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Lawson, Lee, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mood, Musgrove, Newman, A. Peterson, K. Peterson, Price, Raser, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Dell, Devlin, Eggers, Erickson, Facey, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lehman, Mangan, Masolo, McCann, Noennig, Olson, Pattison, Rice, Ripley, Rome, Schmidt, Tramelli, Vick, Wanzenried.  
Total 37

Voted Absentee: Laszloffy, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 419** - Representative Sliter moved consideration of **SB 419** be passed for the day. Motion carried.

**SB 407** - Representative Laible moved **SB 407** be concurred in. Motion failed as follows:

Ayes: Balyeat, Bitney, Bookout-Reinicke, D. Brown, Carney, Davies, Fuchs, Gallik, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lewis, Mangan, McKenney, Mood, K. Peterson, Price, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Vick, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 31

Noes: Adams, Andersen, Bales, Barrett, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, Musgrove, Newman, Noennig,

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Olson, Pattison, A. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Story, Tropila, Waddill, Waitschies, Walters, Wanzenried.

Total 68

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**SB 147** - Representative Holden moved **SB 147** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 479** - Representative Younkin moved **SB 479** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Adams, Bales, Barrett, D. Brown, Clancy, E. Clark, Devlin, Eggers, Esp, Fisher, Golie, Hedges, Keane, McCann, Mood, Musgrove, Pattison, Rice, Ripley, Smith, Tramelli, Waitschies, Walters, Witt.

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Total 24

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Eggers, Esp, Golie, Musgrove, Wanzenried.

Total 5

Excused: Laszloffy.

Total 1

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 94** concurred in as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Total 88

Noes: Adams, Bales, Balyeat, Barrett, Davies, Esp, Fisher, Lewis, Rice, Waitschies, Walters, Mr. Speaker.

Total 12

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 145** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Bixby, Buzzas, Callahan, P. Clark, Eggers, Erickson, Esp, Facey, Gillan, Golie, Hurdle, Jayne, Juneau, Kasten, Kaufmann, McCann, Musgrove, Newman, Raser, Schmidt, Story, Tropila, Wanzenried.

Total 23

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 163** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Noes: Bixby, Clancy, Eggers, Musgrove.  
Total 4

Voted Absentee: Laszloffy, Aye.

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**SB 279** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 80

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Eggers, Erickson, Facey, Golie, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Lee, Musgrove, Raser.  
Total 19

Voted Absentee: Laszloffy, Aye.

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**SB 428** concurred in as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Price, Raser, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 48

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 51

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Voted Absentee: Laszloffy, No.

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**SB 440** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Laszloffy, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 9** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Laszloffy, Aye.

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Sliter moved that **SB 419** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried.

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 172**. Motion carried.

The Speaker appointed the following members:

Representative Matthews, Chairman  
Representative Holden  
Representative Barrett

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 293**. Motion carried.

The Speaker appointed the following members:

Representative Olson, Chairman  
Representative Wolery  
Representative Harris

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 473**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chairman  
Representative Mood  
Representative Gutsche

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 2**. Motion carried.

The Speaker appointed the following members:

Representative Vick, Chairman  
Representative Lewis  
Representative McCann

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like

HOUSE JOURNAL  
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 2, 2001

committee from the Senate to confer on Senate amendments to **HB 118**. Motion carried.

The Speaker appointed the following members:

Representative Laszloffy, Chairman  
Representative Clancy  
Representative Cyr

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 142**. Motion carried.

The Speaker appointed the following members:

Representative Somerville, Chairman  
Representative P. Clark  
Representative Laszloffy

Representative Gillan requested on **SB 479**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, April 3, 2001. Motion carried.

House adjourned at 2:56 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 3, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by former Representative Dick Simpkins. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Eggers and Mangan, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Jolene Sawyer, Conrad  
Katie Jaynes, Lewistown  
Stephenne Harding, Whitefish  
Rick Willis, Helena  
Laura Trembath, Bigfork  
Sam Sulser, Martinsdale  
Scottia Morris, Belfry  
Kevin Bueling, Great Falls  
Eric Bueling, Great Falls  
Paul Flament, Lewistown

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/3/2001  
Correctly printed: **SB 514.**  
Correctly engrossed: **SB 147, SB 226, SB 479.**  
Examined by the sponsor and found to be correct: **HB 30, HB 38, HB 195, HB 346, HB 348, HB 456, HB 468, HB 505, HB 599, HB 626, HJR 34.**

**EDUCATION** (Masolo, Chairman): 4/3/2001  
**HJR 40**, introduced joint resolution, be amended as follows:

1. Title, line 5 through line 6.  
**Strike:** "LEGISLATIVE" on line 5 through "TO" on line 6  
**Insert:** "BOARD OF PUBLIC EDUCATION"
2. Title, line 8.  
**Strike:** the first "TO"
3. Page 1, line 22.  
**Strike:** "Legislative Council"  
**Insert:** "Board of Public Education"
4. Page 1, line 22 through line 23.  
**Strike:** "designate" on line 22 through the second "to" on line 23
5. Page 2.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

**Strike:** lines 13 and 14 in their entirety

6. Page 2, line 16.

**Strike:** "September"

**Insert:** "December"

7. Page 2.

**Following:** line 18

**Insert:** "BE IT FURTHER RESOLVED, that a copy of this resolution be sent by the Secretary of State to the Board of Public Education."

And, as amended, be adopted. Report adopted.

**HJR 41**, be adopted. Report adopted.

**SB 493**, be concurred in. Report adopted.

**SB 495**, be amended as follows:

1. Title, line 12.

**Following:** "i"

**Insert:** "APPROPRIATING THE LOAN PROCEEDS;"

2. Page 5, line 13.

**Following:** "INTEREST"

**Insert:** "-- appropriation"

**Strike:** "LOANED"

**Insert:** "appropriated"

3. Page 5, line 16.

**Following:** "DEPOSIT THE"

**Insert:** "appropriated"

4. Page 6, line 12.

**Insert:** "NEW SECTION. Section 11. Three-fourths vote. Because [section 8] appropriates money from the coal severance tax permanent fund, Article IX, section 5, of the Montana constitution requires a vote of three-fourths of the members of each house of the legislature for passage."

**Renumber:** subsequent section

5. Page 6, line 14.

**Strike:** "9"

**Insert:** "11"

And, as amended, be concurred in. Report adopted.

**SB 511**, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

4/2/2001

**SB 92**, be amended as follows:

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

1. Title, page 1, line 5.

**Strike:** "REPEALING"

**Insert:** "EXTENDING"

2. Title, page 1, line 6.

**Following:** "MATERIAL"

**Insert:** "AND THE INCOME AND CORPORATE TAX DEDUCTION FOR THE PURCHASE OF RECYCLED MATERIAL"

3. Title, page 1, line 9 and line 10.

**Strike:** "REPEALING" on line 9 through "MATERIAL;" on line 10

4. Title, page 1, line 11.

**Strike:** "REPEALING SECTION 15-32-604, MCA"

5. Page 4, line 15 through line 17.

**Strike:** section 4 in its entirety

**Insert:** "Section 4. Section 9, Chapter 712, Laws of 1991, is amended to read:

"Section 9. **Termination.** [This act] terminates December 31, ~~1995~~ 2005."

**Insert:** "Section 5. Section 4, Chapter 542, Laws of 1995, is amended to read:

"Section 9. **Termination.** [This act] terminates December 31, ~~1995~~ ~~2001~~ 2005."

**Insert:** "Section 6. Section 5, Chapter 542, Laws of 1995, is amended to read:

"Section 5. **Termination -- exception.** (1) [Sections 1 through 3] terminate December 31, ~~1997~~ 2005.

(2) Notwithstanding subsection (1), 15-32-603(3), as numbered by [this act], which reads: "A credit under this section may be claimed by a taxpayer for a business only if the qualifying property is purchased before January 1, ~~1998~~ 2006," is deleted in its entirety on December 31, ~~1997~~ 2005."

**Insert:** "Section 7. Section 1, Chapter 411, Laws of 1997, is amended to read:

"Section 5. **Termination -- exception.** (1) [Sections 1 through 3] terminate December 31, ~~1997~~ ~~2001~~ 2005.

(2) Notwithstanding subsection (1), 15-32-603(3), as numbered by [this act], which reads: "A credit under this section may be claimed by a taxpayer for a business only if the qualifying property is purchased before January 1, ~~1998~~ ~~2002~~ 2006," is deleted in its entirety on December 31, ~~1997~~ ~~2001~~ 2005."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 129**, be amended as follows:

1. Page 1, line 23.

**Following:** "coverage"

**Insert:** ", including income tax incentives"

2. Page 1, line 24.

**Strike:** "means:"

**Insert:** "has the meaning provided in 50-16-504."

3. Page 1, line 25 through page 2, line 3.

**Strike:** line 25 on page 1 through line 3 on page 2

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

And, as amended, be concurred in. Report adopted.

**SB 162**, be concurred in. Report adopted.

**SB 258**, be amended as follows:

4/3/2001

1. Page 2, line 27.

**Strike:** "July 1, 1997"

**Insert:** "[the effective date of this act]"

And, as amended, be concurred in. Report adopted.

**SB 280**, be concurred in. Report adopted.

**SB 325**, be amended as follows:

1. Page 6.

**Following:** line 21

**Insert:** "NEW SECTION. Section 7. Coordination instruction. If Senate Bill No. 446 and [this act] are both passed and approved, then Senate Bill No. 446 is void."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in:

4/2/2001

**SB 182**, introduced by Cobb

**SB 262**, introduced by Wells

**SB 274**, introduced by Keenan

**SB 282**, introduced by Crismore

**SB 357**, introduced by Ryan

House amendments to Senate joint resolution concurred in:

4/2/2001

**SJR 18**, introduced by Taylor

Free conference committee report #1 adopted:

4/2/2001

**SB 4**, introduced by Grimes

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/2/2001

**SB 80**, introduced by Mahlum

**SB 168**, introduced by Stonington

**MESSAGES FROM THE GOVERNOR**

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

April 2, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 374** sponsored by Representative Eggers et al. on April 2, 2001.

Sincerely,

JUDY MARTZ  
Governor

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 147** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 226** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Callahan, Clancy, P. Clark, Curtiss, Cyr, Dale,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Davies, Dell, Esp, Fisher, Forrester, Fritz, Fuchs, Gillan, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mood, Newman, Pattison, A. Peterson, K. Peterson, Price, Raser, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Noes: Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Devlin, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Himmelberger, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Mangan, Masolo, McCann, Musgrove, Noennig, Olson, Rice, Ripley, Rome, Schmidt, Smith, Tramelli, Vick, Wanzenried.

Total 40

Voted Absentee: Eggers, Mangan, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 479** concurred in as follows:

Ayes: Andersen, Balyeat, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Davies, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Adams, Bales, Barrett, Bitney, D. Brown, Clancy, E. Clark, Curtiss, Devlin, Eggers, Esp, Fisher, Fuchs, Golie, Hedges, Kasten, Laszloffy, Mood, Musgrove, Pattison, Rice, Ripley, Smith, Tramelli, Waitschies, Walters, Witt.

Total 27

Voted Absentee: Mangan, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Andersen in the chair.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 29** - Representative Noennig moved consideration of **HB 29** be passed for the day. Motion carried.

**SJR 13** - Representative Curtiss moved **SJR 13** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Buzzas, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Lee, Lindeen, Musgrove, Newman, Noennig, Schmidt, Tropila.

Total 17

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 50** - Representative Walters moved **SB 50** be concurred in.

Representative Galvin-Halcro moved consideration of **SB 50** be passed for the day. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fritz, Fuchs, Haines, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 56

Excused: Eggers, Mangan.

Total 2

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Absent or not voting: Balyeat.  
Total 1

Motion that **SB 50** be concurred in carried as follows:

Ayes: Adams, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Eggers, Erickson, Esp, Facey, Fritz, Fuchs, Gallik, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.  
Total 74

Noes: Andersen, Bales, Barrett, Bixby, R. Brown, Clancy, Davies, Dell, Devlin, Fisher, Forrester, Gallus, Galvin-Halcro, Holden, Juneau, Laible, Lehman, Lindeen, Price, Rice, Rome, Somerville, Story, Tramelli, Witt, Wolery.  
Total 26

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 210** - Representative Masolo moved **SB 210** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Golie, Haines, Tramelli.  
Total 4

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.



HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Total 0

**SB 289** - Representative Whitaker moved **SB 289** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 75

Noes: Adams, Bales, Bitney, D. Brown, R. Brown, Carney, Dale, Davies, Devlin, Esp, Fisher, Himmelberger, Holden, Kasten, Laible, Laszloffy, McCann, Mood, Pattison, K. Peterson, Sliter, Story, Vick, Waitschies, Mr. Speaker.

Total 25

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 203** - Representative Steinbeisser moved **SB 203** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Fritz, Gutsche.

Total 2

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 358** - Representative Keane moved **SB 358** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Hedges, Masolo, Waitschies.

Total 4

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

**SB 305** - Representative Price moved **SB 305** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 313** - Representative Laible moved **SB 313** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Davies, Gallik, Harris, Jackson, Jayne, McCann, Vick.

Total 8

Voted Absentee: Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 96** - Representative R. Brown moved **SB 96** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Ripley.

Total 1

Voted Absentee: Dale, Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: Bitney, D. Brown.

Total 2

**SB 373** - Representative Laible moved **SB 373** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Hurdle.

Total 1

Voted Absentee: Dale, Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 438** - Representative Gillan moved **SB 438** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat, Hurdle.

Total 2

Voted Absentee: Dale, Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 360** - Representative Galvin-Halcro moved **SB 360** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Balyeat, Davies, Jackson, Kasten, Vick, Waitschies.

Total 7

Voted Absentee: Dale, Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: Ripley.

Total 1

**SB 340** - Representative Bitney moved **SB 340** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Gallus, Hurdle, Lee.

Total 3

Voted Absentee: Dale, Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: Wolery.

Total 1

**HB 216 - Senate Amendments** - Representative Himmelberger moved Senate amendments to **HB 216** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Total 77

Noes: Branae, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Mangan, Musgrove, Raser, Smith, Tramelli, Wanzenried.

Total 21

Voted Absentee: Dale, Aye; Eggers, Mangan, Noes.

Excused: None.

Total 0

Absent or not voting: McCann, Sliter.

Total 2

**HB 266 - Senate Amendments** - Representative Clancy moved Senate amendments to **HB 266** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 78

Noes: Buzzas, Callahan, P. Clark, Cyr, Erickson, Facey, Fritz, Gallus, Golie, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Lenhart, Newman, Raser, Tramelli, Wanzenried.

Total 20

Voted Absentee: Dale, Eggers, Mangan, Ayes.

Excused: None.

Total 0

Absent or not voting: Carney, McCann.

Total 2

**HJR 32 - Senate Amendments** - Representative Bixby moved Senate amendments to **HJR 32** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: E. Clark, Vick.  
Total 2

Voted Absentee: Dale, Eggers, Mangan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Andersen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Dale, Eggers, Mangan.  
Total 3

Absent or not voting: K. Peterson.  
Total 1

**MOTIONS**

Representative Golie moved that the House reconsider its action on **SB 428** and that it be placed on third reading today. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.  
Total 49

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Noes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Masolo, McKenney, Mood, Olson, Pattison, Rice, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 43

Excused: Dale, Eggers, Mangan.

Total 3

Absent or not voting: Balyeat, Gallik, McCann, K. Peterson, Ripley.

Total 5

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SB 428** concurred in as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker.

Total 57

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Masolo, McKenney, Olson, Pattison, K. Peterson, Rice, Schruppf, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 41

Voted Absentee: Eggers, Mangan, Ayes.

Excused: Dale.

Total 1

Absent or not voting: Ripley.

Total 1

**MOTIONS**

Representative Curtiss moved that the House suspend the rules for the late introduction and transmittal of a resolution. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Clancy, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood,



HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Bixby, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Newman, Raser, Schmidt, Tramelli, Tropila, Wanzenried.  
Total 30

Excused: Dale, Eggers, Mangan.  
Total 3

Absent or not voting: Balyeat, E. Clark, K. Peterson, Schrumpf.  
Total 4

Representative Gallik moved that the House suspend the rules for the late introduction and transmittal of a bill. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 40

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 53

Excused: Dale, Eggers, Mangan.  
Total 3

Absent or not voting: Balyeat, Masolo, Matthews, Schrumpf.  
Total 4

Representative Sliter moved that **SB 315** be taken from the Committee on Human Services and rereferred to the Committee on Appropriations. Motion carried.

Representative Facey requested on **SB 147**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Lenhart requested on **SB 203**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Fritz requested on **SB 226**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 3, 2001

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HJR 32**. Motion carried.

The Speaker appointed the following members:

Representative Thomas, Chairman  
Representative Lawson  
Representative Bixby

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 216**. Motion carried.

The Speaker appointed the following members:

Representative Himmelberger, Chairman  
Representative Harris  
Representative K. Peterson

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 266**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative P. Clark  
Representative Clancy

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Wednesday, April 4, 2001. Motion carried.

House adjourned at 2:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 4, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Fisher. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Gallus and Laslovich, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, and sixty-eighth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/4/2001  
Correctly printed: **HJR 40, HJR 41, SB 92, SB 129, SB 162, SB 258, SB 280, SB 325, SB 493, SB 495, SB 511.**  
Correctly engrossed: **SB 50, SB 96, SB 203, SB 210, SB 289, SB 305, SB 313, SB 340, SB 358, SB 360, SB 373, SB 438, SJR 13.**  
Correctly enrolled: **HB 7, HB 10, HB 12.**  
Examined by the sponsor and found to be correct: **HB 7, HB 10, HB 12.**

**APPROPRIATIONS** (Vick, Chairman): 4/3/2001  
**HB 651**, do pass. Report adopted.  
**SB 179**, be amended as follows:

1. Title, line 7.

**Following:** line 6

**Insert:** "REVISING THE LAW GOVERNING ACCRUALS;"

2. Title, line 16.

**Following:** "10-3-312,"

**Insert:** "17-1-102,"

3. Page 2, line 5.

**Insert:** "Section 2. Section 17-1-102, MCA, is amended to read:

**"17-1-102. Uniform accounting system and expenditure control.** (1) The department shall establish a system of financial control so that the functioning of the various agencies of the state may be improved, duplications of work by different state agencies and employees may be eliminated, public service may be improved, and the cost of government may be reduced.

(2) The department shall prescribe and install a uniform accounting and reporting system for all state agencies and institutions, reporting the receipt, use, and disposition of all public money and property in accordance with generally accepted accounting principles.

(3) The uniform accounting and reporting system must contain three levels of expenditure. The first level must include general categories, such as personal services, operating expenses, equipment, capital outlay, local assistance, grants, benefits and claims, transfers, and debt service. The second level of expenditure must include specific categories of expenditures within each first-level category. The third level of expenditure must include specific

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

items of expenditure within each category of the second level.

(4) All state agencies, including units of the university system but excluding community colleges, shall input all necessary transactions to the accounting system prescribed in subsection (2) before the accounts are closed at the end of the fiscal year in order to present the receipt, use, and disposition of all money and property for which the agency is accountable in accordance with generally accepted accounting principles, except that for budgetary control purposes, encumbrances, other than those for equipment that are not for goods and services related to the maintenance of highway infrastructure in the department of transportation maintenance program to be paid from the highways state special revenue fund, that are required by generally accepted accounting principles to be reported as a reservation of fund balance must be recorded as expenditures and liabilities on the accounting records.'"

**Renumber:** subsequent sections

4. Page 14, line 4.

**Strike:** "10"

**Insert:** "11"

5. Page 14, line 6.

**Strike:** "10"

**Insert:** "11"

And, as amended, be concurred in. Report adopted.

**SB 489**, be amended as follows:

1. Page 17, line 4.

**Following:** "instruction."

**Strike:** "(1)"

2. Page 17, line 7 and line 8.

**Strike:** line 7 and line 8 in their entirety

3. Page 17, line 9 and line 10.

**Strike:** line 9 and line 10 in their entirety

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bill concurred in:

4/3/2001

**SB 128**, introduced by Bohlinger

House bills concurred in and returned to the House:

4/3/2001

**HB 7**, introduced by McCann

**HB 10**, introduced by Kasten

**HB 12**, introduced by Haines

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

4/3/2001

**HB 9**, introduced by Kasten

**HB 11**, introduced by Kasten

**HB 2** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 2**:

4/3/2001

Senator Keenan, Chairman

Senator Nelson

Senator Zook

**HB 118** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 118**:

4/3/2001

Senator Grosfield, Chairman

Senator Cocchiarella

Senator Crismore

**HB 142** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 142**:

4/3/2001

Senator Berry, Chairman

Senator Doherty

Senator J. Wells

**HB 172** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 172**:

4/5/2001

Senator Tash, Chairman

Senator Berry

Senator Franklin

**HB 293** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 293**:

4/3/2001

Senator Hargrove, Chairman

Senator Ekegren

Senator Franklin

**HB 473** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 473**:

4/3/2001

Senator Crismore, Chairman

Senator Roush

Senator F. Thomas

**MESSAGES FROM THE GOVERNOR**

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

April 3, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 386** sponsored by Representative Fuchs et al., **House Bill 440** sponsored by Representative Jacobson, and **House Bill 542** sponsored by Representative Musgrove on April 3, 2001.

Sincerely,

JUDY MARTZ  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 29 - Conference Committee Report No. 1** - Representative Noennig moved the Conference Committee report to **HB 29** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Gallus.

Total 1

Voted Absentee: Laslovich, Aye; Gallus, No.

Excused: None.

Total 0

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Absent or not voting: Adams, Lawson.  
Total 2

**SB 57** - Representative R. Brown moved **SB 57** be concurred in.

**SB 57** - Representative Matthews moved **SB 57**, second reading copy, be amended as follows :

1. Title, line 7.

**Following:** "2005;"

**Insert:** "EXEMPTING A UTILITY THAT HAS NOT FILED A TRANSITION PLAN AS OF JANUARY 1, 2001;"

2. Title, line 7.

**Following:** "AMENDING"

**Strike:** "SECTION"

**Insert:** "SECTIONS 69-8-201 AND"

3. Page 1, line 11.

**Insert:** "Section 1. Section 69-8-201, MCA, is amended to read:

**"69-8-201. Public utility -- transition to customer choice -- waiver.** (1) A public utility shall, except as provided in this section, adhere to the following deadlines:

(a) ~~On or before July 1, 1998, all~~ All customers with individual loads greater than 1,000 kilowatts and for loads of the same customer with individual loads at a meter greater than 300 kilowatts that aggregate to 1,000 kilowatts or greater must have the opportunity to choose an electricity supplier.

(b) Subject to subsection (2), and as soon as is administratively feasible but before July 1, 2002, all other public utility customers must have the opportunity to choose an electricity supplier.

(2) (a) Except as provided for in subsection (4), the commission may determine that additional time is necessary for customers identified in subsection (1)(b); however, the implementation of full customer choice may not be delayed beyond July 1, 2004.

(b) A determination by the commission that additional time is necessary for subsection (1)(b) customers must be made at least 60 days in advance of the scheduled date and must be based on one or more of the following considerations:

(i) implementation would not be administratively feasible;

(ii) implementation would materially affect the reliability of the electric system; or

(iii) Montana customers or electricity suppliers would be disadvantaged due to lack of a competitive electricity supply market.

(3) The commission shall designate the public utility or one or more default suppliers to provide regulated default service for those small customers of a public utility that are not being served by a competitive electricity supplier and those customers who elect to receive service from the default supplier. ~~The transition advisory committee shall review and address the need for continued default supply service and make recommendation to the 57th legislature.~~

(4) Except as provided in 69-5-101, 69-5-102, and 69-5-104 through 69-5-112, ~~and 69-8-402~~, a public utility currently doing business in Montana as part of a single integrated multistate operation, no portion of which lies within the basin of the Columbia River, may:

~~(a) defer compliance with this chapter until a time that the public utility can reasonably implement customer choice in the state of the public utility's primary service territory, except that the public utility shall file a transition plan pursuant to 69-8-202 to provide transition to customer choice on or before July 1, 2002, and must have completed the transition period to customer choice by July 1, 2006; and~~

~~(b) petition the commission to delay the public utility's transition plan filing until July 1, 2004.~~

(5) Upon a request from a public utility with fewer than 50 customers, the commission shall waive compliance

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

with the requirements of 69-8-104, 69-8-202 through 69-8-204, 69-8-208 through 69-8-211, 69-8-402, and this section.""

**Renumber:** subsequent sections

4. Page 4, line 12.

**Insert:** " NEW SECTION. Section 3. Coordination instruction. (1) If House Bill No. 647 and [this act] are both passed and approved, then:

(a) subsection (1)(a) of [section 1 of this act], amending 69-8-201, must read as follows:

"(a) Subject to subsection (6), all customers with individual loads greater than 1,000 kilowatts and for loads of the same customer with individual loads at a meter greater than 300 kilowatts that aggregate to 1,000 kilowatts or greater must have the opportunity to choose an electricity supplier."

(b) There must be inserted in [section 1 of this act] a subsection (6) that reads as follows:

"(6) A customer who chose an electricity supplier prior to July 1, 2001, may make an election prior to October 1, 2001, to receive the customer's electricity from the default supplier. A customer who chose an electricity supplier prior to July 1, 2001, and who chooses to receive the customer's electricity from the default supplier pursuant to this subsection is bound by the election and may not again elect to choose an electricity supplier other than the default supplier."

(2) If House Bill No. 474 and [this act] are both passed and approved, then subsection (3) of [section 1 of this act] must read as follows:

"(3) The commission shall designate the public utility or one or more default suppliers to provide regulated default service for those small customers of a public utility that are not being served by a competitive supplier and those customers who elect to receive service from the default supplier. A customer who elects to receive service from the default supplier may only use the electricity for consumptive purposes and shall enter into a contract with the default supplier that prohibits the customer from remarketing the electricity."

(3) If House Bill No. 640 and [this act] are both passed and approved, then:

(a) subsection (3) of [section 1 of this act] must read as follows:

"(3) The commission shall designate the public utility or one or more default suppliers to provide regulated default service for those small customers of a public utility that are not being served by a competitive supplier and those customers who elect to receive service from the default supplier. Except as provided in [section 2(2) of House Bill No. 640], a customer who elects to receive service from the default supplier may only use the electricity for consumptive purposes and shall enter into a contract with the default supplier that prohibits the customer from remarketing the electricity."

(b) There must be inserted into [section 1 of this act] a subsection (6) that reads as follows:

"(6) A customer who chose an electricity supplier prior to July 1, 2001, may make an election prior to October 1, 2001, to receive electricity from the default supplier."

(c) Subsection (1)(a) of [section 1 of this act] must read as follows:

"(a) Subject to subsection (6), all customers with individual loads greater than 1,000 kilowatts and for loads of the same customer with individual loads at a meter greater than 300 kilowatts that aggregate to 1,000 kilowatts or greater must have the opportunity to choose an electricity supplier.""

**Renumber:** subsequent section

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Clancy, E. Clark, Dale, Davies, Devlin, Fisher, Fuchs, Gillan, Hedges, Holden, Hurdle, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Witt, Mr. Speaker.



HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Total 53

Noes: Adams, D. Brown, R. Brown, Buzzas, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Himmelberger, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lewis, McCann, McKenney, Newman, Raser, Rome, Schmidt, Schrumpf, Somerville, Tramelli, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 47

Voted Absentee: Gallus, Laslovich, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 57**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Brueggeman, Curtiss, Dale, Davies, Esp, Harris, Mood, Story, Vick.

Total 10

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 420** - Representative Facey moved **SB 420** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies,

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 96

Noes: Mr. Speaker.  
Total 1

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: Branae, Dell, Schmidt.  
Total 3

**SB 328** - Representative Mangan moved **SB 328** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 265** - Representative Vick moved **SB 265** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Noes: None.  
Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 375** - Representative Dale moved **SB 375** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Bixby, Eggers, Gallik, Musgrove, Smith.  
Total 5

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**SB 236** - Representative E. Clark moved **SB 236** be concurred in.

**SB 236** - Representatives Andersen, Masolo, Mood, Schmidt, Sliter, Somerville, Thomas, and Mr. Speaker expressed a conflict of interest and abstained from voting.

Motion that **SB 236** be concurred in carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 76

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Noes: Adams, Balyeat, R. Brown, P. Clark, Davies, Fisher, Fuchs, Gallik, Harris, Hurdle, Kasten, Laszloffy, Newman, Vick, Waddill.

Total 15

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Andersen, Masolo, McKenney, Mood, Schmidt, Sliter, Somerville, Thomas, Mr. Speaker.

Total 9

**SB 237** - Representative Somerville moved **SB 237** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Bixby, Erickson, Juneau.

Total 3

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 6** - Representative Somerville moved **SJR 6** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: R. Brown, Himmelberger, Mangan, Newman, Rice, Story, Vick.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Total 7

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: McCann, Mood.

Total 2

**HJR 10 - Senate Amendments** - Representative Vick moved Senate amendments to **HJR 10** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Bixby, Branae, Eggers, Erickson, Gillan, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Lee, Newman.

Total 13

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Tropila.

Total 2

**SB 261** - Representative Harris moved **SB 261** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 82

Noes: Adams, Bales, Balyeat, R. Brown, Curtiss, Devlin, Esp, Jayne, Lawson, Mangan, Mood, Newman, Olson, Pattison, Ripley, Waitschies, Mr. Speaker.

Total 17

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

**SB 253** - Representative Mangan moved **SB 253** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 405** - Representative Lindeen moved **SB 405** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 480** - Representative Laible moved **SB 480** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, R. Brown, Devlin, Kasten, McCann, Pattison, Somerville, Story, Waitschies.  
Total 9

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: Esp.  
Total 1

**SB 218** - Representative Galvin-Halcro moved **SB 218** be concurred in. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Adams, Andersen, Balyeat, R. Brown, Curtiss, Dale, Davies, Fisher, Laible, Somerville, Story, Vick.  
Total 12

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Absent or not voting: Forrester, Kasten.  
Total 2

**SJR 16** - Representative Steinbeisser moved **SJR 16** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Bixby, R. Brown, Eggers, Gutsche, Harris, Kaufmann, Lee.  
Total 7

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 286** - Representative Balyeat moved **SB 286** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

**SB 169** - Representative Raser moved **SB 169** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: Adams, Vick, Mr. Speaker.

Total 3

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 311** - Representative Facey moved **SB 311** be concurred in. Motion carried as follows:

Ayes: Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schruppf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 79

Noes: Adams, Andersen, Brueggeman, Clancy, E. Clark, Davies, Devlin, Esp, Himmelberger, Lehman, Mangan, Masolo, Noennig, Olson, Rice, Ripley, Sliter, Somerville, Wolery.

Total 19

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Story, Vick.

Total 2

**SB 171** - Representative Lee moved **SB 171** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Ayes: Andersen, Balyeat, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt.

Total 61

Noes: Adams, Bales, Barrett, Bitney, Bookout-Reinicke, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Galvin-Halcro, Haines, Himmelberger, Kasten, Laszloffy, Lehman, McCann, McKenney, Mood, Olson, Pattison, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Walters, Wolery, Younkin, Mr. Speaker.

Total 39

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 181** - Representative Raser moved **SB 181** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 74

Noes: Adams, Bales, Balyeat, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Himmelberger, Jackson, Kasten, Laible, Laszloffy, McCann, Olson, Pattison, Rice, Shockley, Sliter, Steinbeisser, Vick, Waitschies, Walters, Mr. Speaker.

Total 25

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Jacobson.

Total 1

**SB 324** - Representative Cyr moved **SB 324** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris,

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Gallik, Kasten, Laszloffy, Vick.

Total 4

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 459** - Representative Newman moved **SB 459** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 97

Noes: Fisher, Jayne, Younkin.

Total 3

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 8** - Representative Facey moved **SJR 8** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser,

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 87

Noes: Balyeat, R. Brown, Buzzas, Davies, Devlin, Esp, Galvin-Halcro, Kaufmann, Mangan, Newman, Vick, Mr. Speaker.  
Total 12

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

**SB 354** - Representative Sliter moved consideration of **SB 354** be placed at the top of the second reading board.  
Motion carried.

**SB 354** - Representative Mood moved **SB 354** be concurred in.

Representative Davies moved for cloture. Motion requiring a two-thirds vote, failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fuchs, Gallik, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin.  
Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 34

Excused: Gallus, Laslovich.  
Total 2

Absent or not voting: Olson, A. Peterson, Raser, Walters, Mr. Speaker.  
Total 5

Motion that **SB 354** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 43

Voted Absentee: Gallus, Laslovich, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Facey, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Newman, Raser, Schmidt, Smith, Waddill, Wanzenried.

Total 30

Excused: Gallus, Laslovich.

Total 2

Absent or not voting: Gallik.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 50** concurred in as follows:

Ayes: Adams, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik,

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Andersen, Bales, Barrett, R. Brown, Clancy, Davies, Devlin, Fisher, Gallus, Holden, Laible, Lehman, Lindeen, Mangan, Mood, Olson, Rice, Rome, Somerville, Story.

Total 20

Voted Absentee: Laslovich, Aye; Gallus, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 96** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Kaufmann.

Total 1

**SB 203** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy,

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Erickson, Fritz, Gutsche.

Total 4

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 210** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Dell, Golie, Tramelli.

Total 3

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 289** concurred in as follows:

Ayes: Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Speaker.  
Total 77

Noes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, Dale, Davies, Devlin, Esp, Fisher, Himmelberger, Holden, Kasten, Laible, Laszloffy, McCann, Pattison, K. Peterson, Steinbeisser, Story, Vick, Waitschies.  
Total 23

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 305** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 313** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Total 93

Noes: Adams, Curtiss, Davies, Jackson, Jayne, McCann, Vick.

Total 7

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 340** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Hurdle, Mangan.

Total 2

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 358** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams, Waitschies.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Total 2

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 360** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Adams, Balyeat, Davies, Vick, Waitschies.

Total 5

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Holden, Kasten.

Total 2

**SB 373** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Hurdle.

Total 1

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 438** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Hurdle.

Total 1

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 13** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

Noes: Bixby, R. Brown, Buzzas, Eggers, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Lee, Lindeen, Mangan, Musgrove, Newman, Noennig.

Total 19

Voted Absentee: Gallus, Laslovich, Ayes.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**APPROPRIATIONS** (Vick, Chairman): 4/4/2001  
**SB 338**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 4/4/2001  
**SB 383**, be concurred in. Report adopted.  
**SB 509**, be amended as follows:

1. Title, line 9 through line 12.  
**Strike:** "EXEMPTING" on line 9 through "MCA;" on line 12

2. Page 1, line 21.  
**Following:** "petroleum gas,"  
**Insert:** "compressed"  
**Following:** "natural gas,"  
**Insert:** "liquefied natural gas,"  
**Strike:** "or"

3. Page 1, line 22.  
**Following:** "gas"  
**Insert:** ", or any other fuel recognized by the department of environmental quality"

4. Page 2, line 4.  
**Strike:** "(a)"

5. Page 2, line 6.  
**Following:** "bifuel vehicles,"  
**Insert:** "dual fuel vehicles, flexible fuel vehicles, hybrid fuel vehicles,"

6. Page 2, line 7 through line 8.  
**Strike:** subsection (b) in its entirety

7. Page 2, line 11.  
**Following:** "with the"  
**Insert:** "purchase, installation, and"  
**Following:** "of"  
**Insert:** "equipment used exclusively for"

8. Page 2.  
**Following:** line 14  
**Insert:** "(7) "Dual fuel vehicle" means a vehicle that runs on a traditional fuel and an alternative fuel simultaneously.  
(8) "Flexible fuel vehicle" means a vehicle that is able to operate using ethanol, gasoline, or any combination of ethanol and gasoline.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

(9) "Hybrid fuel vehicle" means a vehicle that is capable of operating with electricity and at least one other source of fuel."

**Renumber:** subsequent subsections

9. Page 2, line 17.

**Strike:** "\$10,000 or"

10. Page 2, line 18.

**Strike:** ", whichever is more"

11. Page 2, line 19 through line 22.

**Strike:** subsection (8) in its entirety

**Renumber:** subsequent subsections

12. Page 3, line 3.

**Strike:** "liquefied"

13. Page 3, line 30.

**Strike:** "50%"

**Insert:** "25%"

14. Page 4, line 19.

**Following:** "(2)"

**Strike:** "(a)" through the first "the"

**Insert:** "The"

15. Page 4, line 20 through line 21.

**Following:** "vehicle is" on line 20

**Strike:** remainder of line 20 through "less" on line 21

**Insert:** "the incremental cost of the alternative fuel system for each alternative fuel vehicle not to exceed:

(a) \$10,000 for hybrid fuel vehicles;

(b) \$5,000 for bifuel, dual fuel, and dedicated vehicles below 26,000 pounds gross vehicle weight; and

(c) \$20,000 for bifuel, dual fuel, and dedicated vehicles at or above 26,000 pounds gross vehicle weight"

16. Page 4, line 22 through page 5, line 1.

**Strike:** "(b)" on page 4, line 22 through "less." on page 5, line 1

17. Page 5, line 15.

**Strike:** "500"

**Insert:** "400"

18. Page 5, line 19.

**Following:** "gas"

**Insert:** ", liquefied natural gas, ethanol,"

19. Page 5, line 24.

**Strike:** "operates on electricity"

**Insert:** "is a dual fuel vehicle, flexible fuel vehicle, or hybrid fuel vehicle"

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

20. Page 5, line 25 through line 26.

**Strike:** "operates" on line 25 through "electricity" on line 26

**Insert:** "reduces petroleum-based fuel consumption by 50% over a conventional vehicle"

21. Page 7, line 4 through page 8, line 21.

**Strike:** sections 6, 7, and 8 in their entirety

**Renumber:** subsequent sections

22. Page 8, line 23.

**Strike:** "(1)"

23. Page 8, line 26 through line 27.

**Strike:** subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 4/4/2001  
**SB 506**, be amended as follows:

1. Title, line 13.

**Strike:** "15-32-103,"

2. Title, line 15.

**Strike:** "69-8-103,"

3. Title, line 16.

**Strike:** "90-6-701,"

4. Page 1, line 26.

**Following:** "75-2-413"

**Insert:** "and money from any other source"

5. Page 2, line 7.

**Following:** "businesses"

**Insert:** ", ownership of the alternative energy facility, financial capacity to repay the loans, estimated return on investment in the alternative energy, and other matters that the department considers necessary to ensure repayment of loans and to encourage maximum use of the fund for alternative energy and net metering uses"

6. Page 2, line 15.

**Following:** "years."

**Insert:** "The loans must be made at a low interest rate. The department may set the interest rate at an amount that will cover its administrative costs, but the rate may not be less than 1% per year."

7. Page 5, line 14.

**Strike:** "(2)(f)"

**Insert:** "(2)(g)"

8. Page 6, line 20.

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

**Strike:** "generates"

**Insert:** "has a capacity of"

9. Page 6, line 24.

**Strike:** "noncommercial"

10. Page 6, line 26.

**Strike:** "may include those"

**Insert:** "must be"

11. Page 6, line 28.

**Following:** the first "ENERGY,"

**Insert:** "water,"

12. Page 8, line 27.

**Strike:** "50 kilowatts"

**Insert:** "1 megawatt"

13. Page 10, line 13 through page 11, line 2.

**Strike:** section 10 in its entirety

**Renumber:** subsequent sections

14. Page 11, line 14.

**Strike:** "\$1500"

**Insert:** "\$900"

15. Page 11, line 30.

**Strike:** "\$5,000"

**Insert:** "\$2,000"

16. Page 12, line 26.

**Strike:** "\$5,000"

**Insert:** "\$2,000"

17. Page 14, line 1.

**Strike:** "40%"

**Insert:** "35%"

18. Page 18, line 23 through page 23, line 13.

**Strike:** section 19 in its entirety

**Renumber:** subsequent sections

19. Page 26, line 30.

**Strike:** "50 kilowatts"

**Insert:** "1 megawatt"

20. Page 28, line 15.

**Strike:** "small-scale"

HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

**Strike:** "100"  
**Insert:** "50"

21. Page 28, line 19 through page 29, line 17.

**Strike:** section 25 in its entirety  
**Renumber:** subsequent sections

22. Page 31, line 19.

**Strike:** "13"  
**Insert:** "12"  
**Strike:** "15"  
**Insert:** "14"

And, as amended, be concurred in. Report adopted.

**SB 521**, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):  
**SB 281**, be amended as follows:

4/4/2001

1. Title, page 1, line 13.

**Following:** "PROOF"  
**Insert:** "OF DELIVERY"

2. Page 4, line 8.

**Following:** "proof"  
**Insert:** "of delivery"

3. Page 5, line 2.

**Strike:** "of the mailing"  
**Insert:** "that the certified mail was delivered to the person to whom the property was assessed"

4. Page 5, line 7.

**Following:** "proof"  
**Insert:** "of delivery"

5. Page 6, line 20.

**Strike:** "of the mailing"  
**Insert:** "that the certified mail was delivered to the person to whom the property was assessed"

And, as amended, be concurred in. Report adopted.

**SB 303**, be amended as follows:

1. Page 2, line 27.

**Following:** "ALL"  
**Insert:** "agricultural"



HOUSE JOURNAL  
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 4, 2001

2. Page 2, line 28.

**Following:** "ALL"

**Insert:** "noncommercial"

And, as amended, be concurred in. Report adopted.

**SB 350**, be amended as follows:

1. Page 1, line 18.

**Strike:** "40%"

**Insert:** "20%"

**Strike:** "20%"

**Insert:** "10%"

2. Page 1.

**Following:** line 24

**Insert:** "(3) The credit allowed under this section may not be claimed by a taxpayer if the taxpayer has claimed a credit for a contribution to a qualified endowment under the provisions of 15-30-165 through 15-30-167, 15-31-161, or 15-31-162 for a contribution to the affordable housing revolving loan account."

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Representative A. Peterson requested on **SB 265**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Schrupf requested on **SB 420**, second reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Fritz requested on **SB 210**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Friday, April 6, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 5, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Jackson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Gallus and Laslovich, excused. Quorum present.

Representative Holden led the House in singing Happy Birthday to Representative Barrett.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/5/2001  
Correctly printed: **HB 651, SB 179, SB 281, SB 303, SB 338, SB 350, SB 383, SB 489, SB 506, SB 509, SB 521.**  
Correctly engrossed: **SB 57, SB 169, SB 171, SB 181, SB 218, SB 236, SB 237, SB 253, SB 261, SB 265, SB 286, SB 311, SB 324, SB 328, SB 354, SB 375, SB 405, SB 420, SB 459, SB 480, SJR 6, SJR 8, SJR 16.**  
Signed by the Speaker at 10:30 a.m., April 5, 2001: **HB 7, HB 10, HB 12, HB 30, HB 38, HB 195, HB 346, HB 348, HB 456, HB 468, HB 505, HB 599, HB 626, HJR 34.**

**APPROPRIATIONS** (Vick, Chairman): 4/4/2001  
**SB 65**, be amended as follows:

1. Title, page 1, line 19.

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES"

2. Title, page 1, line 20.

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 8, line 13.

**Strike:** ";

**Insert:** ". A child enrolled in an elementary school pursuant to this subsection (1)(c) may continue to attend the elementary school after the other child has left the high school."

4. Page 9, line 28.

**Strike:** "and"

5. Page 10, line 2.

**Following:** "student"

**Insert:** "; and"

(c) the maximum tuition rate paid to a district under this section may not exceed \$2,500 per ANB

6. Page 11, line 17.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**Following:** "(1)(A)"

**Insert:** "or (1)(b)"

7. Page 11, line 22.

**Strike:** "(1)(b)."

**Following:** "(1)(d)"

**Strike:** " "

8. Page 20, line 6.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This"

**Insert:** "(1) Except as provided in subsection (2), [this"

9. Page 20, line 7.

**Following:** line 6

**Insert:** "(2) [Section 5] is effective July 1, 2002."

10. Page 20, line 8.

**Strike:** "[This"

**Insert:** "(1) Except as provided in subsection (2), [this"

11. Page 20, line 10.

**Following:** line 9

**Insert:** "(2) [Section 5] is applicable to budgets for the school fiscal year beginning on or after July 1, 2002."

And, as amended, be concurred in. Report adopted.

**SB 131**, be amended as follows:

1. Page 2, line 10.

**Following:** the first "the"

**Strike:** "federal government, appointed by the governor"

**Insert:** "public service commission, appointed by the public service commission"

2. Page 6, line 7.

**Following:** "review"

**Strike:** "and"

**Insert:** ", "

**Following:** "approve"

**Insert:** ", and sign"

**Following:** the second "and"

**Insert:** "shall review and approve"

3. Page 43.

**Following:** line 11

**Insert:** "NEW SECTION. Section 45. No appropriation. The legislature has determined that [this act] can be implemented within existing appropriations, and therefore no separate appropriation of state money is necessary to

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

carry out the purposes of [this act]."

**Insert:** "NEW SECTION. **Section 46. Coordination instruction.** If Senate Bill No. 90 and [this act] are both passed and approved, then [section 40 of this act] is amended to read:

**"18-4-313. Contracts -- terms, extensions, and time limits.** (1) Unless otherwise provided by law, a contract, lease, or rental agreement for supplies or services may not be made for a period of more than 7 years. However, the department may contract for ~~the lease or purchase of telecommunications equipment and systems, data processing equipment~~ hardware, software, or other information technology resources, the department of revenue may contract with liquor agencies, and the department of public health and human services may contract for the medicaid management information system (MMIS) for a period not to exceed 10 years. A contract, lease, or rental agreement may be extended or renewed if the terms of the extension or renewal, if any, are included in the solicitation, if funds are available for the first fiscal period at the time of the agreement, and if the total contract period, including any extension or renewal, does not exceed 7 years. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of funds for the fiscal periods.

(2) Prior to the issuance, extension, or renewal of a contract, it must be determined that:

(a) estimated requirements cover the period of the contract and are reasonably firm and continuing; and  
(b) the contract will serve the best interests of the state by encouraging effective competition or otherwise promoting economies in state procurement.

(3) ~~When~~ If funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract must be canceled.'"

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 191**, be amended as follows:

1. Page 6, line 23 and line 24.

**Following:** "fund" on line 23

**Strike:** remainder of line 23 through "53-30-132(1)(k)" on line 24

2. Page 15, line 11.

**Following:** "NO."

**Strike:** "393"

**Insert:** "191"

3. Page 15, line 28.

**Strike:** "11"

**Insert:** "14"

And, as amended, be concurred in. Report adopted.

**SB 393**, be amended as follows:

1. Page 2, line 16 and line 17.

**Following:** "fund" on line 16

**Strike:** remainder of line 16 through "53-30-132(1)(K)" on line 17

And, as amended, be concurred in. Report adopted.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**SB 394**, be amended as follows:

1. Page 1, line 16.

**Following:** "(1)"

**Strike:** "The"

**Insert:** "On or after March 1, the"

2. Page 1, line 17.

**Following:** "agreement"

**Insert:** "for the ensuing school fiscal year"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in:

4/4/2001

**SB 3**, introduced by Kitzenberg  
**SB 51**, introduced by Hargrove  
**SB 60**, introduced by McCarthy  
**SB 77**, introduced by Hargrove  
**SB 82**, introduced by Keenan  
**SB 104**, introduced by Sprague  
**SB 108**, introduced by Franklin  
**SB 116**, introduced by Stonington  
**SB 130**, introduced by Thomas  
**SB 132**, introduced by Halligan  
**SB 138**, introduced by Nelson  
**SB 152**, introduced by Mahlum  
**SB 167**, introduced by Stonington  
**SB 170**, introduced by Halligan  
**SB 185**, introduced by Cobb  
**SB 197**, introduced by Tester  
**SB 204**, introduced by Cobb  
**SB 221**, introduced by Johnson  
**SB 229**, introduced by Cocchiarella  
**SB 241**, introduced by Wells

House amendments to Senate bills **not** concurred in:

4/3/2001

**SB 28**, introduced by Halligan  
**SB 48**, introduced by Sprague  
**SB 135**, introduced by Waterman  
**SB 151**, introduced by Mahlum  
**SB 196**, introduced by Tester

House amendments to Senate bills **not** concurred in:

4/4/2001

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**SB 242**, introduced by O'Neil  
**SB 283**, introduced by Waterman  
**SB 320**, introduced by Kitzenberg  
**SB 327**, introduced by Doherty  
**SB 348**, introduced by Elliott  
**SB 390**, introduced by Cobb  
**SB 423**, introduced by Ellis  
**SB 427**, introduced by Johnson  
**SB 429**, introduced by Sprague  
**SB 432**, introduced by Taylor  
**SB 437**, introduced by Cole  
**SB 441**, introduced by Christiaens  
**SB 457**, introduced by Ryan

**SB 28** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 28**:

4/4/2001

Senator Hargrove, Chairman  
Senator Halligan  
Senator Holden

**SB 48** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 48**:

4/4/2001

Senator Sprague, Chairman  
Senator Butcher  
Senator Ryan

**SB 135** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 135**:

4/4/2001

Senator Johnson, Chairman  
Senator O'Neil  
Senator Waterman

**SB 151** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 151**:

4/4/2001

Senator Mahlum, Chairman  
Senator Berry  
Senator Jergeson

**SB 196** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 196**:

4/4/2001

Senator Holden, Chairman  
Senator Ekegren  
Senator Tester

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolutions were introduced, read first time, and referred to committee:

**HJR 42**, introduced by Kaufmann, referred to Natural Resources.

**HJR 43**, introduced by P. Clark, referred to Fish, Wildlife and Parks.

Majority Leader Sliter moved that the House recess until 12:30 p.m. Motion carried.

House recessed at 12:07 p.m.

House reconvened at 12:30 p.m. All members present, except Representatives Gallus and Laslovich, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 376** - Representative Sliter moved consideration of **SB 376** be passed for the day. Motion carried.

**SB 454** - Representative Lee moved **SB 454** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Total 0

**SB 187** - Representative Mangan moved **SB 187** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 190** - Representative Lawson moved **SB 190** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Adams, R. Brown, E. Clark, Curtiss, Devlin, Esp, Holden, Kasten, Laszloffy, Lenhart, Pattison, Price, Rice, Vick, Waddill, Waitschies, Witt.

Total 17

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Representative Somerville assumed the chair.

**SB 333** - Representative Rome moved **SB 333** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Carney, Eggers, Erickson, Gutsche, Kaufmann, Wanzenried.

Total 6

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 408** - Representative Younkin moved **SB 408** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Representative Younkin reassumed the chair.

**SB 379** - Representative Clancy moved **SB 379** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Bixby, Branae, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gutsche, Hurdle, Jent, Juneau, Kaufmann, Lee, Lenhart, Lindeen, Musgrove, Newman, Raser, Wanzenried.

Total 21

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Schmidt, Sliter.

Total 2

**SB 355** - Representative Rome moved **SB 355** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Erickson, Gutsche, Harris, Wanzenried.

Total 4

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**SB 451** - Representative Adams moved **SB 451** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Buzzas, Eggers, Gallik, Galvin-Halcro, Hurdle, Kaufmann, Lawson, Mangan, Smith, Waddill.  
Total 11

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 248** - Representative Raser moved **SB 248** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Callahan, Eggers, Forrester, Gallik, Jayne, Jent, Juneau, K. Peterson.  
Total 8

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: McKenney.  
Total 1

**HB 146 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 146** be **not** concurred in. Motion carried as follows:

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Bixby, R. Brown, Eggers, Gallik, Jayne, Kaufmann, K. Peterson, Sliter, Wanzenried.  
Total 9

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

**HB 214 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 214** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Bixby, R. Brown, Cyr, Facey, Jayne, Juneau, Kaufmann, Newman, K. Peterson, Raser.  
Total 10

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 290 - Senate Amendments** - Representative Waddill moved Senate amendments to **HB 290** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Hedges, Kasten, Laible, Pattison, Price, Shockley, Vick, Waitschies.

Total 9

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 543 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 543** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Buzzas, Eggers, Erickson, Galvin-Halcro, Gillan, Gutsche, Hurdle, Kaufmann, Mangan, Masolo, Musgrove, Smith, Tramelli, Mr. Speaker.

Total 14

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Adams, Branae.

Total 2

**HB 559 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 559** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Bixby, Branae, Eggers, Erickson, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Kaufmann, Tramelli.

Total 15

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 603 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 603** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 514** - Representative Bitney moved **SB 514** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz,

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 81

Noes: Adams, Balyeat, P. Clark, Cyr, Dell, Gillan, Golie, Jayne, Kasten, Laszloffy, Masolo, Newman, Pattison, K. Peterson, Rice, Tramelli, Vick, Mr. Speaker.

Total 18

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Esp.

Total 1

**SB 493** - Representative Lewis moved **SB 493** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Adams, Balyeat, Curtiss, Esp, Laszloffy, McCann, Pattison, Rice, Vick.

Total 9

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 495** - Representative Lewis moved **SB 495** be concurred in.

**SB 495** - Representative Lewis moved **SB 495**, second reading copy, be amended as follows :

1. Page 6, line 17.

**Insert:** "NEW SECTION. **Section 12. Coordination.** If House Bill No. 41 and [this act] are both passed and

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

approved, then the references to the state equalization aid account contained in 20-9-343(3) in [section 3] of House Bill No. 41 are changed to references to the guarantee account provided for in [section 3 of this act]."

**Renumber:** subsequent section

2. Page 6, line 18.

**Strike:** "-- coordination"

3. Page 6, line 19.

**Strike:** "11"

**Insert:** "12"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gallus, Laslovich.

Total 2

Motion that **SB 495**, as amended, be concurred in carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Adams, Bales, Balyeat, Davies, Esp, Himmelberger, Kasten, Laszloffy, McCann, K. Peterson, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters.

Total 16

Voted Absentee: Gallus, Laslovich, Ayes.



HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 325** - Representative Sliter moved **SB 325** be concurred in.

**SB 325** - Representative Sliter moved **SB 325**, second reading copy, be amended as follows :

1. Page 6, line 23 through line 24.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.  
Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

Motion that **SB 325**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Noes: Gutsche, Schmidt.  
Total 2

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 511** - Representative Lewis moved **SB 511** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Hedges, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 71

Noes: Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Harris, Himmelberger, Hurdle, Jayne, Juneau, Kaufmann, Lee, Lindeen, Newman, Raser, Schmidt, Smith, Tropila, Wanzenried.  
Total 27

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: McCann, Sliter.  
Total 2

**SB 329** - Representative Carney moved **SB 329** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HJR 35** - Representative Harris moved **HJR 35** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 89

Noes: Adams, R. Brown, Davies, Fisher, Kasten, Laszloffy, Pattison, Steinbeisser, Vick, Walters, Mr. Speaker.

Total 11

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 36** - Representative Bookout-Reinicke moved **HJR 36** be adopted.

**HJR 36** - Representative Bookout-Reinicke moved **HJR 36**, second reading copy, be amended as follows :

1. Page 2, line 15.

**Following:** "Site"

**Insert:** ", Chernobyl in the Ukraine, or any other site"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Total 96

Noes: R. Brown.

Total 1

Excused: None.

Total 0

Absent or not voting: Gallus, Laslovich, Sliter.

Total 3

Motion that **HJR 36**, as amended, be adopted carried as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Bales, R. Brown, Esp, Jackson.

Total 4

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 37** - Representative Pattison moved **HJR 37** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 86

Noes: D. Brown, R. Brown, Curtiss, Cyr, Davies, Esp, Jackson, Jayne, Laszloffy, Mangan, Newman, Vick, Waddill, Mr. Speaker.

Total 14

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 39** - Representative Shockley moved **HJR 39** be adopted.

Representative Somerville assumed the chair.

**HJR 39** - Representative Harris moved **HJR 39**, second reading copy, be amended as follows :

1. Title, page 1, line 5.

**Following:** "CRIMINAL"

**Insert:** "OFFENSES,"

2. Title, page 1, line 6.

**Following:** "RELEASE"

**Insert:** ", AND RELATED"

3. Page 2, line 2.

**Following:** "analyze"

**Insert:** "the offenses and"

4. Page 2, line 3.

**Following:** "obsolete"

**Insert:** ", inconsistent, or unconstitutional offenses, sentences, or related material in the

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 79

Noes: Bales, R. Brown, Brueggeman, Clancy, Cyr, Davies, Esp, Fuchs, Haines, Himmelberger, Jayne, Keane, Laszloffy, Lewis, Newman, Pattison, K. Peterson, Sliter, Vick, Witt, Mr. Speaker.

Total 21

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Total 0

Absent or not voting: None.

Total 0

Motion that **HJR 39**, as amended, be adopted carried as follows:

Ayes: Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Dell, Devlin, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Schmidt, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.

Total 57

Noes: Adams, Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Curtiss, Cyr, Dale, Davies, Eggers, Esp, Fisher, Fuchs, Himmelberger, Jayne, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Newman, Pattison, K. Peterson, Rice, Rome, Schrumpf, Sliter, Steinbeisser, Story, Vick, Waitschies, Witt, Younkin, Mr. Speaker.

Total 43

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 40** - Representative Bixby moved **HJR 40** be adopted. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Younkin.

Total 63

Noes: Adams, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Laszloffy, Lehman, Masolo, McCann, McKenney, Mood, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Vick, Waitschies, Walters, Witt, Wolery, Mr. Speaker.

Total 36

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Dell.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Total 1

**HJR 41** - Representative Andersen moved **HJR 41** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 95

Noes: R. Brown, Eggers, Esp, Mr. Speaker.

Total 4

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Somerville moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Esp, Golie, Wanzenried.

Total 3

Excused: None.

Total 0

Absent or not voting: Carney, Gallus, Laslovich.

Total 3

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 29, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 10, as amended by the Senate**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Bixby, Branae, R. Brown, Cyr, Eggers, Erickson, Facey, Fritz, Gillan, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Lee, Newman, Waddill.

Total 18

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0



HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Absent or not voting: None.  
Total 0

**SB 169** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 98

Noes: Vick, Mr. Speaker.  
Total 2

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 171** concurred in as follows:

Ayes: Andersen, Balyeat, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 71

Noes: Adams, Bales, Barrett, Bitney, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Hedges, Himmelberger, Kasten, Laszloffy, Mood, Olson, Pattison, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Vick, Walters, Mr. Speaker.  
Total 29

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**SB 181** concurred in as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 73

Noes: Adams, Bales, Balyeat, Barrett, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, McCann, Mood, Olson, Pattison, Rice, Steinbeisser, Vick, Waitschies, Walters, Mr. Speaker.  
Total 27

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 218** concurred in as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 81

Noes: Adams, Andersen, Balyeat, R. Brown, Brueggeman, Dale, Davies, Fuchs, Kasten, Laible, Olson, Pattison, Sliter, Smith, Somerville, Story, Vick, Witt, Mr. Speaker.  
Total 19

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 236** concurred in as follows:

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 77

Noes: Adams, Balyeat, R. Brown, P. Clark, Davies, Dell, Fisher, Gallik, Harris, Hurdle, Kasten, Laszloffy, Newman, Noennig, Vick, Waddill.

Total 16

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Andersen, Masolo, Mood, Schmidt, Sliter, Somerville, Mr. Speaker.

Total 7

**SB 237** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Bixby, Eggers, Juneau.

Total 3

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 253** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: Harris, McKenney, Mr. Speaker.

Total 3

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Fritz.

Total 1

**SB 261** concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 79

Noes: Adams, Bales, Balyeat, D. Brown, R. Brown, Curtiss, Devlin, Esp, Jayne, Lawson, Mangan, Mood, Newman, Olson, Pattison, Ripley, Schrumpf, Sliter, Waitschies, Witt, Mr. Speaker.

Total 21

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 265** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 286** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gallus, Laslovich.

Total 2

**SB 311** concurred in as follows:

Ayes: Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 75

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Noes: Adams, Andersen, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Himmelberger, Holden, Kasten, Laible, Laszloffy, Mood, Noennig, Olson, Rice, Ripley, Schrumpf, Somerville, Story, Vick, Witt, Mr. Speaker.  
Total 25

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 324** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Gallik, Kasten.  
Total 2

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 328** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Eggers.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Total 1

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 354** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 44

Voted Absentee: Gallus, Laslovich, Noes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**SB 375** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Eggers, Gallik, Jent, Kaufmann, Musgrove, Smith.

Total 6

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 405** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 98

Noes: Dell, Mr. Speaker.

Total 2

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 420** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 99

Noes: Mr. Speaker.

Total 1

Voted Absentee: Gallus, Laslovich, Ayes.



HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 459** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.  
Total 91

Noes: Dell, Fisher, Jayne, Kasten, Mood, Sliter, Vick, Younkin, Mr. Speaker.  
Total 9

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 480** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Adams, R. Brown, Brueggeman, Dale, Devlin, Eggers, Kasten, McCann, Pattison, Somerville, Story.  
Total 11

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Absent or not voting: None.  
Total 0

**SJR 6** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 80

Noes: R. Brown, Curtiss, Davies, Dell, Esp, Fritz, Galvin-Halcro, Himmelberger, Hurdle, Kaufmann, Laszloffy, Mangan, Masolo, Newman, K. Peterson, Raser, Rice, Vick, Witt, Mr. Speaker.  
Total 20

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 8** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Dale, Dell, Eggers, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.  
Total 81

Noes: R. Brown, Curtiss, Cyr, Davies, Devlin, Erickson, Esp, Fritz, Gallik, Galvin-Halcro, Gutsche, Jent, Kaufmann, Keane, Mangan, Newman, Wanzenried, Witt, Mr. Speaker.  
Total 19

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

**SJR 16** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: R. Brown, Gutsche, Hurdle.

Total 3

Voted Absentee: Gallus, Laslovich, Ayes.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**MOTIONS**

Representative Mangan requested on **SB 354**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Lehman requested on **HJR 41**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Price requested on **SJR 6**, third reading today, that Representative Holden's vote be shown as yes. There being no objections, so ordered.

Representative Gallik requested on **SB 354**, second reading yesterday, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Kaufmann requested on **SB 169**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Curtiss requested on **SB 253**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Bixby requested on **SB 265**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representatives Masolo, Mood, and Schmidt requested on **SB 236**, third reading today, that their votes be changed from yes to abstaining. There being no objections, so ordered.

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Representative Schmidt requested on **SB 236**, second reading yesterday, that her vote be changed from yes to abstaining. There being no objections, so ordered.

Representative Lindeen moved that **SB 244** be taken from the table in the Committee on Appropriations and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: Eggers, Fritz, Gallus, Haines, Laslovich.

Total 5

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 48**. Motion carried.

The Speaker appointed the following members:

Representative McKenney, Chairman  
Representative Himmelberger  
Representative Matthews

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 290**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chairman  
Representative Waddill  
Representative Harris

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 543**. Motion carried.

The Speaker appointed the following members:

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Representative R. Brown, Chairman  
Representative Dale  
Representative Forrester

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 28**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chairman  
Representative Younkin  
Representative Jent

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 135**. Motion carried.

The Speaker appointed the following members:

Representative Lewis, Chairman  
Representative Esp  
Representative Schmidt

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 559**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chairman  
Representative Laible  
Representative Matthews

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 603**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative P. Clark  
Representative Holden

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 214**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative Gutsche  
Representative Laible

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 146**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative Wolery  
Representative Callahan

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/5/2001  
Correctly printed: **SB 65, SB 131, SB 191, SB 393, SB 394.**

**APPROPRIATIONS** (Vick, Chairman): 4/5/2001  
**SB 176**, be amended as follows:

1. Page 12, line 26.

**Following:** "by the"

**Strike:** "department of administration"

**Insert:** "appellate defender program"

2. Page 12, line 28 through line 29.

**Following:** the second "PROCEEDINGS" on line 28

**Strike:** remainder of line 28 through "1999" on line 29

**Insert:** "in fiscal year 2001"

**Following:** "FACTOR" on line 29

**Insert:** "each year"

3. Page 12, line 30.

**Following:** line 29

**Strike:** "AVERAGE"

4. Page 13, line 2.

**Following:** "SUBSECTION (1)"

**Strike:** "AND TO THE EXTENT THAT FUNDS ARE AVAILABLE,"

5. Page 13, line 8.

**Following:** line 7

**Insert:** "["

6. Page 13, line 9.

**Following:** "BALANCE."

**Insert:** "]"

7. Page 39, line 15.

**Following:** "3-5-901"

**Insert:** "(3) and (4)"

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

And, as amended, be concurred in. Report adopted.

**SB 344**, be concurred in. Report adopted.

**SB 386**, be amended as follows:

1. Page 2, line 2.

**Following:** "require a"

**Insert:** "nonparticipating"

2. Page 2, line 3.

**Following:** "participation"

**Strike:** "unless the judicial district withdraws voluntarily"

**Following:** " "

**Insert:** "A participating judicial district may not withdraw from the program without approval of the department during any biennium in which the district has chosen to participate."

And, as amended, be concurred in. Report adopted.

**SB 483**, be amended as follows:

1. Title, line 4.

**Strike:** "FOURTH"

2. Title, line 5.

**Strike:** "OR SUBSEQUENT"

**Insert:** "THIRD"

3. Title, line 8.

**Strike:** "RESIDENTIAL"

4. Title, line 9 through line 10.

**Strike:** "OR IN" on line 9 through "CORRECTIONS" on line 10

**Strike:** "61-8-731" on line 10

**Insert:** "61-8-714, 61-8-722,"

5. Page 1, line 17 through page 3, line 22.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1.** Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.** (1) A person convicted of a violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and shall be punished by a fine of not less than \$100 or more than \$500. The initial 24 hours of the imprisonment term must be served in the county jail and may not be served under home arrest. The mandatory imprisonment sentence may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the defendant's physical or mental well-being. Except for the initial 24 hours of the imprisonment term, the imprisonment sentence may be suspended for a period of up to 6 months pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the defendant.

(2) On a second conviction, the person shall be punished by a fine of not less than \$300 or more than \$500 and by imprisonment for not less than 7 days or more than 6 months. At least 48 hours of the imprisonment term must

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

be served consecutively in the county jail and may not be served under home arrest. Three days of the imprisonment sentence may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the defendant's physical or mental well-being. Except for the initial 3 days of the imprisonment term, the imprisonment sentence may be suspended for a period of up to 6 months pending successful completion of a chemical dependency treatment program by the defendant.

(3) On the third conviction, the person shall be punished by:

(a) imprisonment for a term of not less than 30 days or more than 1 year ~~and by a fine of not less than \$500 or more than \$1,000~~. At least 48 hours of the imprisonment term must be served consecutively in the county jail and may not be served under home arrest. The imposition or execution of the first 10 days of the imprisonment sentence may not be suspended. The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of ~~a~~ the chemical dependency treatment program by the defendant as required under subsection (3)(b). The total term of imprisonment and treatment may not exceed 1 year.

(b) a requirement for chemical dependency treatment at a state-approved public or private treatment facility designated by the court, upon acceptance by the facility. The imposition of treatment may not be suspended.

(c) a fine of not less than \$500 or more than \$1,000."

**Insert:** "Section 2. Section 61-8-722, MCA, is amended to read:

**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense. (1)**

A person convicted of a violation of 61-8-406 shall be punished by imprisonment for not more than 10 days and shall be punished by a fine of not less than \$100 or more than \$500.

(2) On a second conviction of a violation of 61-8-406, the person shall be punished by imprisonment for not less than 48 consecutive hours, to be served in the county jail and not on home arrest, or more than 30 days and by a fine of not less than \$300 or more than \$500.

(3) On a third conviction of a violation of 61-8-406, the person shall be punished by:

(a) imprisonment for not less than 48 consecutive hours, to be served in the county jail and not on home arrest, or more than 6 months and by a fine of not less than \$500 or more than \$1,000; ~~and~~

(b) a requirement for chemical dependency treatment at a state-approved public or private treatment facility designated by the court, upon acceptance by the facility. The imposition of treatment may not be suspended. The total term of imprisonment and treatment may not exceed 6 months."

**Renumber:** subsequent section

6. Page 3, line 26.

**Strike:** "(a)"

**Renumber:** subsequent subsections

7. Page 3, line 27.

**Strike:** "and"

**Insert:** ", "

**Following:** "61-8-731;"

**Insert:** "and 61-8-731,"

8. Page 3, line 28.

**Strike:** "first, second, or third"

9. Page 3, line 29.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections



HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

10. Page 4, line 1.

**Strike:** "(iii)"

**Insert:** "(c) chemical dependency treatment as provided in this section"

**Strike:** "third"

**Insert:** "subsequent"

11. Page 4, line 2.

**Strike:** "(1)(h)"

**Insert:** "(8)"

**Following:** "section,"

**Insert:** "unless"

**Following:** "treatment"

**Insert:** "is ordered under 61-8-714, 61-8-722, or 61-8-731"

12. Page 4, line 3.

**Strike:** "~~(b)~~ The"

**Insert:** "(2) Except on a third conviction, the"

**Renumber:** subsequent subsections

13. Page 4, line 6.

**Following:** "sentence."

**Insert:** "An assessment on a third conviction for a violation under 61-8-401 or 61-8-406 must be completed prior to sentencing."

14. Page 5, line 4.

**Strike:** the first "(i)"

**Insert:** "(9)"

**Strike:** the second "(i)"

**Insert:** "(a)"

**Strike:** "third"

**Insert:** "subsequent"

**Renumber:** subsequent subsections

15. Page 5, line 5.

**Strike:** "(1)(e)"

**Insert:** "(5)"

16. Page 5, line 8.

**Strike:** "(1)(i)(i)"

**Insert:** "(9)(a)"

17. Page 5, line 10 through line 22.

**Strike:** line 10 through line 22

18. Page 5, line 23.

**Insert:** "NEW SECTION. Section 4. Coordination instruction. If Senate Bill No. 489 and [this act] are both passed and approved, then [section 3] of Senate Bill No. 489, amending 61-8-732, is void."

**Renumber:** subsequent section

HOUSE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 5, 2001

And, as amended, be concurred in. Report adopted.

**SB 484**, be amended as follows:

1. Page 3, line 27.

**Strike:** "and"

2. Page 3.

**Following:** line 27

**Insert:** "(b) state costs of implementing legally required reclamation, operation, and maintenance neither eligible for nor reasonably expected to be reimbursed from other federal or private funds; and"

**Renumber:** subsequent subsection

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 293  
Report No. 1, April 5, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 154** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 154** (reference copy – salmon) be amended as follows:

1. Page 1, line 26.

**Strike:** "Senate Committee of the Whole Amendment #481415CW.sjo in its entirety."

For the House:

Olson, Chairman  
Harris  
Wolery

For the Senate:

Hargrove, Chairman  
Ekegren  
Franklin

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Friday, April 6, 2001. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 6, 2001

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wanzonried. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives D. Brown and Lee, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/6/2001  
Correctly printed: **SB 19, SB 176, SB 344, SB 386, SB 483, SB 484.**  
Correctly engrossed: **HJR 35, HJR 36, HJR 37, HJR 39, HJR 40, HJR 41, SB 187, SB 190, SB 248, SB 325, SB 329, SB 333, SB 355, SB 379, SB 408, SB 451, SB 454, SB 493, SB 495, SB 511, SB 514.**  
Correctly enrolled: **HB 29, HJR 10.**

**APPROPRIATIONS** (Vick, Chairman): 4/6/2001  
**SB 315**, be amended as follows:

1. Title, page 1, line 9 and line 10.  
**Following:** "~~PROGRAM;~~" on line 9  
**Strike:** remainder of line 9 through "BIENNIUM;" on line 10

2. Page 4, line 17 through line 19.  
**Strike:** section 3 in its entirety  
**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SB 322**, be amended as follows:

1. Page 1, line 18.  
**Following:** "transition"  
**Strike:** "from a natural resource-based economy"

2. Page 1, line 28.  
**Following:** "shift"  
**Strike:** "from a natural resource-based economy"

3. Page 4, following line 4.  
**Insert:** "(7) By June 30 of each even-numbered year, the department of labor and industry shall report the following to the legislative finance committee:  
(a) the number of persons participating in the program;  
(b) the training or education program in which each participant is enrolled or that each participant has completed and the location of the program; and  
(c) the number of job placements and the average salary received."

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

4. Page 10, line 10.

**Following:** line 9

**Insert:** "(b) 50% of proceeds in the reclamation and development grants account established by 90-2-1104, for the purpose of making grants to be used for mineral development reclamation projects;"

**Renumber:** subsequent subsections

5. Page 10, line 14 through line 16.

**Strike:** "50% of the" on line 14

**Insert:** "all"

**Following:** "75-10-743" on line 14

**Strike:** remainder of line 14 through "projects" on line 16

And, as amended, be concurred in. Report adopted.

**SB 445**, be amended as follows:

1. Title, page 1, line 17 and line 18.

**Following:** "ADMINISTRATION;" on line 17

**Strike:** remainder of line 17 through "ADMINISTRATION;" on line 18

2. Title, page 1, line 24.

**Strike:** "7-5-2401, 7-5-2404, 7-5-2405,"

3. Title, page 1, line 26.

**Strike:** "17-7-502,"

4. Title, page 2, line 16.

**Strike:** "AND"

**Following:** "85-7-1913,"

**Insert:** "AND 90-3-1001,"

5. Title, page 2, line 17.

**Following:** "MCA"

**Strike:** ", AND SECTION 10, CHAPTER 10, SPECIAL LAWS OF MAY 2000"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

6. Title, page 2, line 18.

**Strike:** "2-15-1811, 7-5-2402, AND 7-5-2403,"

7. Title, page 2, lines 18 and 19.

**Following:** "~~AN~~" on line 18

**Insert:** "AN"

**Following:** "~~DATE~~" on line 18

**Strike:** remainder of line 18 through "TERMINATION" on line 19

8. Page 4, line 2.

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Following:** "agencies,"

**Insert:** "Montana tribal governments,"

9. Page 4, line 14.

**Following:** "agencies,"

**Insert:** "Montana tribal governments,"

10. Page 18, line 20 through page 19, line 15.

**Strike:** section 28 through section 30 in their entirety

**Renumber:** subsequent sections

11. Page 40, line 26 through page 41, line 26.

**Strike:** section 48 in its entirety

**Renumber:** subsequent sections

12. Page 174, line 18 through line 21.

**Strike:** section 219 in its entirety

**Renumber:** subsequent sections

13. Page 174, line 22.

**Insert:** "**Section 215.** Section 90-3-1001, MCA, is amended to read:

**"90-3-1001. Purpose -- definition.** (1) The purpose of establishing a research and commercialization expendable trust fund in 90-3-1002 and 90-3-1003 is to:

(a) provide a predictable and stable source of funding for research and commercialization projects conducted in the state that demonstrates to both private and public sources, including federal research granting agencies, that Montana recognizes the important contributions that research and commercialization endeavors offer to the state's basic industries;

(b) expand and strengthen research efforts for the state's basic industries to increase their economic impact on the state's economy; and

(c) expand research efforts into areas beyond the scope of the state's basic industries to diversify and strengthen the state's economic security through the creation of technology-based operations and long-term quality jobs.

(2) As used in 90-3-1002 and 90-3-1003, "research and commercialization center" means the campuses of the university of Montana or Montana state university, tribal colleges, colleges of technology, community colleges, agricultural research centers, or a private, ~~nonprofit~~ laboratory or research center.""

14. Page 174, lines 23 and 24.

**Strike:** "Sections" on line 23

**Insert:** "Section"

**Following:** "2-15-1804" on line 23

**Strike:** ", " through "7-5-2403" on line 24

**Strike:** "are"

**Insert:** "is"

15. Page 175, line 3.

**Insert:** "NEW SECTION. **Section 218. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

**Renumber:** subsequent sections

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

16. Page 175, lines 23 and 24.

**Following:** "~~date~~" on line 23

**Strike:** "~~DATES~~"

**Insert:** "date"

**Following:** "." on line 23

**Strike:** remainder of line 23 through "ACT" on line 24

**Insert:** "[This act]"

17. Page 175, line 25

**Strike:** line 25 in its entirety

18. Page 175, line 27.

**Strike:** section 225 in its entirety

And, as amended, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman):

4/6/2001

**SB 19**, be amended as follows:

1. Title, line 9.

**Following:** "COMMITTEE"

**Strike:** "TO COINCIDE WITH THE EXTENSION OF THE TRANSITION PERIOD"

2. Page 12, line 21.

**Strike:** "2006"

**Insert:** "2007"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

4/6/2001

**SB 510**, be amended as follows:

1. Title, line 4.

**Strike:** "LAND"

**Insert:** "PROPERTY"

2. Title, line 6 through line 10.

**Following:** "PROVIDING THAT"

**Strike:** "LEASE" on line 6 through "PURCHASES" on line 10

**Insert:** "PROCEEDS FROM THE LEASES BE USED FOR EDUCATION PURPOSES IF PERMITTED"

3. Title, line 14.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 77-3-318"

4. Page 1, line 24.

**Strike:** "state land and mineral rights"

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Insert:** "property interests"

5. Page 1, line 26.

**Strike:** "purposes provided in the transfer"

**Insert:** "direct funding of education, including K-12 school districts, institutions of higher education, and vocational-technical education, unless otherwise provided in the transfer agreement"

6. Page 1, line 28 through page 2, line 16.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

7. Page 5, line 6 through line 7.

**Following:** "to" on line 6

**Strike:** "land and mineral rights"

**Insert:** "federal property interests"

8. Page 5, line 7.

**Following:** "certifies that the"

**Strike:** "lands are"

**Insert:** "property is"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Story, Chairman):

4/6/2001

**SB 73**, be amended as follows:

1. Title, page 1.

**Following:** line 11

**Insert:** "THE REMAINING"

2. Page 4, line 1 through line 3.

**Strike:** "; and" on line 1 through "67-3-204" on line 3

3. Page 5, line 2 through line 4.

**Strike:** "; and" on line 2 through "67-3-204" on line 4

4. Page 5, line 8.

**Strike:** "and" through "(3)"

5. Page 5, line 12.

**Following:** "taxes"

**Insert:** "registration"

**Following:** "fees"

**Insert:** "and fees in lieu of taxes"

6. Page 5, line 13.

**Strike:** "(1)"

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

7. Page 5, line 17 through line 21.

**Strike:** subsection (3) in its entirety

8. Page 5, line 23 through line 24.

**Strike:** "(1)"

**Strike:** "Except" on line 23 through the second "the" on line 24

**Insert:** "The"

**Strike:** "the remaining" on line 24

**Insert:** "all"

9. Page 5, line 28.

**Following:** "taxes"

**Insert:** "registration"

**Following:** "fees"

**Insert:** "and fees in lieu of taxes"

10. Page 5, line 29.

**Strike:** "(1)"

11. Page 5, line 30 through page 6, line 4.

**Strike:** subsection (2) in its entirety

12. Page 7, line 11 through line 15.

**Strike:** subsection (7) in its entirety

**Renumber:** subsequent subsection

13. Page 7, line 16.

**Strike:** "Except" on line 23 through the second "the" on line 24

**Insert:** "The"

14. Page 7, line 17.

**Strike:** "the remaining"

**Insert:** "all"

15. Page 7, line 18.

**Strike:** "provided"

**Strike:** "in"

**Insert:** "registration fees and fees in lieu of tax are distributed under"

**Strike:** "(1)"

16. Page 8, line 2.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (2)(c)"

17. Page 8, line 5.

**Following:** "as"

**Insert:** "registration"



HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Following:** "fees"

**Insert:** "and fees in lieu of tax"

**Strike:** "(1)"

18. Page 8, line 9 through line 13.

**Strike:** lines 9 through 13 in their entirety

19. Page 8, line 24.

**Strike:** "and (3)"

**Insert:** "through (4)"

20. Page 9, line 5.

**Following:** "20-25-423"

**Insert:** ", the mills levied for vocational-technical education under 20-25-439"

21. Page 9, line 15 through line 22.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) The county treasurer shall remit to the state treasurer, every 30 days, 7.7% of the amount collected from light vehicle registration fees imposed by 61-3-560 through 61-3-562 and from fees in lieu of tax imposed by 61-3-521, 61-3-527, and 61-3-529. The state treasurer shall credit the payments to the state special revenue fund to be used for purposes of state funding of district court expenses as provided in 3-5-901.

(4) The county treasurer shall remit to the state treasurer, every 30 days, 1.3% of the amount collected from light vehicle registration fees imposed by 61-3-560 through 61-3-562 and from fees in lieu of tax imposed by 61-3-521, 61-3-527, and 61-3-529. The state treasurer shall credit the payments to the general fund."

22. Page 10, line 19.

**Following:** "vehicle."

**Insert:** "Local vehicle taxes or flat fees may not be distributed to the state under 61-3-509(2) through (4)."

23. Page 11, line 8.

**Strike:** "(5)(c)"

**Insert:** "(5)(b)"

24. Page 11, line 12 through line 17.

**Strike:** "deduct" on line 12 through "shall" on line 17

25. Page 11, line 18.

**Following:** "as"

**Strike:** "the"

**Insert:** "registration"

**Following:** "fees"

**Insert:** "and fees in lieu of tax"

**Strike:** "(1)"

26. Page 11, line 22 through line 27.

**Strike:** section 10 in its entirety

**Insert:** "NEW SECTION. Section 10. Coordination instruction. If Senate Bill No. 175 and [this act] are both passed and approved, then [sections 1, 6, 7, 8, 15, and 16] of Senate Bill No. 175, amending 15-10-420, 20-9-331, 20-

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

9-333, 23-2-616, 61-3-509, and 61-3-537, terminate December 31, 2001."

And, as amended, be concurred in. Report adopted.

**SB 494**, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "REPEALING"

**Insert:** "SUSPENDING"

2. Title, page 1, line 11.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "~~15-53-130~~"

**Insert:** "AND 15-53-202"

3. Title, page 1, line 11 through line 12.

**Strike:** "REPEALING" on line 11 through "MCA;" on line 12

4. Title, page 1, line 12.

**Following:** "DATE"

**Insert:** ", "

**Strike:** "AND AN"

5. Title, page 1, line 13.

**Strike:** "DATE"

**Insert:** "DATES, AND A TERMINATION DATE"

6. Page 1, line 27.

**Strike:** "; and"

**Insert:** "."

7. Page 1, line 28 through page 2, line 14.

**Strike:** "WHEREAS," on page 1, line 28 through "." on page 2, line 14

8. Page 2, line 19 through line 25.

**Strike:** ", " on line 19 through "provider" on line 25

**Insert:** "are taxable by the customer's home service provider as provided in 4 U.S.C. 116 through 118 and 4 U.S.C. 121 through 126. Charges for mobile telecommunications services do not include one-way radio communications services as included in 47 CFR 20.3, in effect on June 1, 1999"

9. Page 2, line 30.

**Strike:** the first "4" through the first "AND"

**Strike:** "123"

**Insert:** "119"

**Strike:** "124"

**Insert:** "120"

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

10. Page 3, line 8.

**Strike:** "(a)"

11. Page 3, line 10 through line 19.

**Strike:** subsection (1)(b) in its entirety

12. Page 3, line 22 and line 23.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

13. Page 3, line 26 through page 4, line 7.

**Strike:** subsections (5) and (6) in their entirety

**Renumber:** subsequent subsections

14. Page 5, line 9 and line 10.

**Strike:** subsection (10) in its entirety

15. Page 5, lines 24 and 25.

**Strike:** section 4 in its entirety

**Insert:** "Section 4. Section 15-53-202, MCA, is amended to read:

**"15-53-202. (Temporary) Advanced telecommunications infrastructure tax credit -- temporary suspension.** (1) ~~There~~ Except as provided in subsection (4), there is allowed a tax credit against the tax imposed by part 1 of this chapter for advanced telecommunications infrastructure improvements in the state made by a telecommunications services provider in an amount equal to 20% of the total amount of the infrastructure investment.

(2) The tax credit provided for in subsection (1) may not exceed a total of \$2 million for all qualified telecommunications services providers in any consecutive 12-month period.

(3) There is no carryback or carryforward of the credit allowed under this section, and the credit must be applied in the year the advanced telecommunications infrastructure improvements were made and may not be refunded if the taxpayer has no tax liability.

(4) The credit allowed under this section may not be claimed for investments in advanced telecommunications infrastructure improvements made after June 30, 2001, and before July 1, 2003. (Terminates July 1, 2004--sec. 8, Ch. 534, L. 1999.)"

**Renumber:** subsequent sections

16. Page 6, line 3.

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

17. Page 6, line 4.

**Strike:** "IMPOSED"

**Insert:** "authorized"

18. Page 6, line 5.

**Strike:** "RETAINED"

**Insert:** "collected but not remitted to a federal governmental entity"

**Strike:** "ON INSTALLATION AND SERVICE CONNECTION"

**Insert:** "to retail telecommunications installation and activation"

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

19. Page 6, line 6.

**Following:** "MADE"

**Insert:** "only"

**Following:** line 6

**Insert:** "(2) [Sections 1 and 2] apply to customer bills issued after July 31, 2002."

20. Page 6.

**Following:** line 6

**Insert:** "NEW SECTION. Section 8. Termination. [Section 4] terminates July 1, 2003."

And, as amended, be concurred in. Report adopted.

**SB 501**, be concurred in. Report adopted.

**SB 508**, be amended as follows:

1. Page 3, line 12.

**Strike:** "0.5% "

**Insert:** "1% "

2. Page 3, line 13.

**Strike:** "0.05% "

**Insert:** "0.5% "

3. Page 3, line 19.

**Strike:** "Thirty"

**Insert:** "Fifty"

4. Page 3, line 20.

**Strike:** "70% "

**Insert:** "50% "

And, as amended, be concurred in. Report adopted.

**SB 519**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE

on House Bill 154

Report No. 1, April 5, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 154** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 154** (reference copy – salmon) be amended as follows:

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

1. Page 1, line 26.

**Strike:** "Senate Committee of the Whole Amendment #481415CW.sjo in its entirety."

For the House:

McGee, Chairman  
Gillan  
Sliter

For the Senate:

Grosfield, Chairman  
Halligan  
F. Thomas

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 172  
Report No. 1, April 6, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 172**, met April 5, 2001 and considered;

1. Senate Committee on Business and Labor amendments to the third reading copy, dated March 2, 2001.

We recommend that **House Bill 172** (reference copy – salmon) be amended as follows:

1. Title, line 6.

**Strike:** "PAY"

**Insert:** "COMPENSATION OR BENEFITS"

2. Page 1, line 18.

**Strike:** "A CORRESPONDING"

**Insert:** "an"

**Strike:** "PAY"

**Insert:** "compensation or benefits"

For the House:

Matthews, Chairman  
Barrett  
L. Holden

For the Senate:

Tash, Chairman  
Berry

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in:

4/5/2001

**SB 245**, introduced by Holden

**SB 288**, introduced by Christiaens

**SB 293**, introduced by Doherty

**SB 298**, introduced by Glaser

**SB 304**, introduced by Nelson

**SB 309**, introduced by Halligan

**SB 310**, introduced by Waterman

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**SB 318**, introduced by Ekegren  
**SB 319**, introduced by Cole  
**SB 330**, introduced by Mahlum  
**SB 339**, introduced by Berry  
**SB 356**, introduced by Hargrove  
**SB 359**, introduced by Halligan  
**SB 377**, introduced by Grimes  
**SB 378**, introduced by Tash  
**SB 426**, introduced by Halligan  
**SB 431**, introduced by Stonington  
**SB 433**, introduced by Elliott  
**SB 436**, introduced by Ellis  
**SB 442**, introduced by Cobb  
**SB 443**, introduced by Butcher  
**SB 448**, introduced by Christiaens  
**SB 449**, introduced by Tester  
**SB 450**, introduced by Grimes  
**SB 455**, introduced by Doherty  
**SB 465**, introduced by Franklin

House amendments to Senate bill **not** concurred in:

4/5/2001

**SB 185**, introduced by Cobb

**SB 283** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 283**:

4/5/2001

Senator Grimes, Chairman  
Senator Waterman  
Senator Wells

**SB 320** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 320**:

4/5/2001

Senator DePratu, Chairman  
Senator Kitzenberg  
Senator Toole

**SB 327** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer House amendments to **SB 327**:

4/5/2001

Senator Taylor, Chairman  
Senator Doherty  
Senator Stapleton

**SB 348** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 348**:

4/5/2001

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Senator Berry, Chairman  
Senator DePratu  
Senator Ellingson

**SB 390** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 390:**  
4/5/2001

Senator Glaser, Chairman  
Senator Cobb  
Senator McCarthy

**SB 423** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 423:**  
4/5/2001

Senator Wells, Chairman  
Senator Ellis  
Senator Ryan

**SB 427** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 427:**  
4/5/2001

Senator Mohl, Chairman  
Senator Christiaens  
Senator Johnson

**SB 429** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 429:**  
4/5/2001

Senator Miller, Chairman  
Senator Sprague  
Senator Tester

**SB 432** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 432:**  
4/6/2001

Senator Stapleton, Chairman  
Senator Harrington  
Senator Taylor

**SB 437** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 437:**  
4/6/2001

Senator Ekegren, Chairman  
Senator Cole  
Senator Shea

**SB 441** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 441:**

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

4/5/2001

Senator Taylor, Chairman  
Senator Christiaens  
Senator Mohl

**SB 457** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 457**:

4/6/2001

Senator Glaser, Chairman  
Senator Ryan  
Senator Stapleton

**SB 151** - The Senate acceded to the request of the House, dissolved the conference committee on House amendments to **SB 151**, and authorized the President to appoint the following free conference committee to confer on **SB 151**:

4/6/2001

Senator Mahlum, Chairman  
Senator Berry  
Senator Jergeson

**HB 216** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 216**:

4/5/2001

Senator R. Holden, Chairman  
Senator Harrington  
Senator Stapleton

**HB 266** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 266**:

4/5/2001

Senator K. Miller, Chairman  
Senator Kitzenberg  
Senator Stonington

**MESSAGES FROM THE GOVERNOR**

April 5, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 292** sponsored by Representative Fuchs, **House Bill 439** sponsored by Representative Jacobson, **House Bill 519** sponsored by Representative Forrester et al., **House Bill 548** sponsored by Representative Jayne et al., **House Bill 551** sponsored by Representative Forrester, and **House Bill 579** sponsored



HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

by Representative Juneau on April 5, 2001.

Sincerely,

JUDY MARTZ  
Governor

April 5, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker McGee and President Beck:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 47, **"AN ACT GENERALLY REVISING THE LAWS GOVERNING STATE INVESTMENTS; REMOVING THE REQUIREMENT THAT STATE BANK EXAMINERS EXAMINE LOANS AND INVESTMENTS; INCREASING THE MAXIMUM LOAN FOR IN-STATE INVESTMENTS; REQUIRING COMMERCIAL LENDER PARTICIPATION FOR CERTAIN INVESTMENTS; ELIMINATING RESTRICTIONS ON MAXIMUM LOAN SIZES FOR PURPOSES OF JOB CREDIT INTEREST RATE REDUCTIONS; AMENDING SECTIONS 17-5-1529, 17-6-311, 17-6-312, 17-6-318, AND 17-6-321, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

I am in full agreement with the objectives of HB 47 and with its specific measures. I recommend, however, the effective date of the statute be changed from July 1, 2001 to immediate. I have attached my amendment to that effect.

As you know, HB 47 expands the existing limitation on the size of investments made in any one business enterprise from the permanent coal tax trust fund from 1% to 10% of the permanent fund. As it presently stands, however, that expansion will not become effective until July 1, 2001.

In the interest of enhancing the effectiveness of this economic development measure, and to make it available as quickly as possible, I recommend that the bill be amended to provide for an immediate effective date.

Representative Price, the sponsor of the bill, is aware of and agrees with my recommendation.

Sincerely,

JUDY MARTZ  
Governor

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 47

1. Title, line 12

**Following:** "AN"

**Insert:** "IMMEDIATE"

2. Page 5, line 30

**Following:** "effective"

**Strike:** "July 1, 2001"

**Insert:** "upon passage and approval"

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jayne in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 377 - Senate Amendments** - Representative Somerville moved Senate amendments to **HB 377** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: Adams.

Total 1

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Representative Sliter moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

**SPECIAL ORDERS OF THE DAY**

The fifth and sixth grade Whitefish Bulldog Choir performed three songs for the House members.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Mr. Speaker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jayne in the chair.

**HB 573 - Senate Amendments** - Representative Bales moved Senate amendments to **HB 573** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 39

Voted Absentee: D. Brown, Fuchs, Ayes; Lee, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 612 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 612** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies,

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Buzzas, P. Clark, Gutsche, Hurdle, Jayne, Kaufmann, Schmidt.  
Total 7

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 27 - Senate Amendments** - Representative Bales moved Senate amendments to **HJR 27** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Buzzas, Eggers, Kaufmann, Newman.  
Total 4

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**SB 131** - Representative Sliter moved **SB 131** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery,

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 179** - Representative Vick moved consideration of **SB 179** be passed for the day. Motion carried.

**SB 326** - Representative Brueggeman moved **SB 326** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Bixby, Erickson, Galvin-Halcro, Gillan, Gutsche, Hurdle, Juneau.  
Total 7

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 338** - Representative Lewis moved **SB 338** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt,

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Wolery, Younkin.  
Total 88

Noes: D. Brown, P. Clark, Davies, Harris, Himmelberger, Kasten, Laslovich, Laszloffy, Newman, Vick, Mr. Speaker.  
Total 11

Voted Absentee: Fuchs, Lee, Ayes; D. Brown, No.

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

**SB 489** - Representative Sliter moved consideration of **SB 489** be placed at the top of the second reading board. Motion carried.

**SB 489** - Representative Shockley moved **SB 489** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Jent, Laszloffy, Newman.  
Total 3

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jayne moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher,

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Forrester, Fritz, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 81

Noes: Bixby, Eggers, Erickson, Facey, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Laslovich, Newman, Raser.  
Total 14

Excused: D. Brown, Fuchs, Lee.  
Total 3

Absent or not voting: Jayne, Lindeen.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 35** adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 87

Noes: Adams, R. Brown, E. Clark, Curtiss, Davies, Devlin, Esp, Kasten, Laszloffy, Pattison, Steinbeisser, Vick, Mr. Speaker.  
Total 13

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 37** adopted as follows:

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Dale, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: D. Brown, R. Brown, Curtiss, Cyr, Davies, Dell, Esp, Galvin-Halcro, Jackson, Jayne, Laszloffy, Mangan, Newman, Vick, Waddill, Mr. Speaker.

Total 16

Voted Absentee: Fuchs, Lee, Ayes; D. Brown, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 40** adopted as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery.

Total 68

Noes: Adams, Andersen, Bales, Balyeat, Barrett, R. Brown, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Himmelberger, Holden, Laible, Laszloffy, Lehman, Masolo, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Vick, Waitschies, Walters, Witt, Younkin, Mr. Speaker.

Total 32

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 41** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson,



HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 94

Noes: R. Brown, Buzzas, Eggers, Esp, Walters, Mr. Speaker.  
Total 6

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 57, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Adams, Balyeat, Curtiss, Dale, Davies, Esp, Hedges, Kasten, Laible, Laszloffy, Pattison, Story, Vick, Waitschies.  
Total 14

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 187** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche,

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Devlin, Wanzenried.  
Total 2

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 190** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 83

Noes: Adams, R. Brown, Curtiss, Devlin, Esp, Hedges, Holden, Kasten, Laszloffy, Pattison, Price, Rice, Steinbeisser, Vick, Waddill, Waitschies, Mr. Speaker.  
Total 17

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 248** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Gallik, Jayne, Juneau, K. Peterson.

Total 5

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 329** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 333** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews,

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 97

Noes: Gutsche, Wanzenried.

Total 2

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: Wolery.

Total 1

**SB 355** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Erickson, Gutsche, Harris, Wanzenried.

Total 4

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 379** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Total 75

Noes: Bixby, Branae, Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Gallik, Gillan, Gutsche, Harris, Hurdle, Jent, Juneau, Kaufmann, Keane, Lenhart, Musgrove, Newman, Raser, Vick, Wanzenried.

Total 24

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: Lindeen.

Total 1

**SB 408** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: Fritz, Lindeen.

Total 2

**SB 451** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 86

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Noes: Bixby, Buzzas, P. Clark, Gallik, Galvin-Halcro, Gutsche, Hurdle, Kaufmann, Lawson, Mangan, Noennig, Smith, Waddill, Mr. Speaker.

Total 14

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 454** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 493** concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Noes: Balyeat, Curtiss, Eggers, Esp, Laszloffy, McCann, Rice, Vick.  
Total 8

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 511** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 74

Noes: Buzzas, Carney, P. Clark, Eggers, Erickson, Esp, Facey, Gallik, Gillan, Gutsche, Harris, Himmelberger, Hurdle, Jayne, Jent, Juneau, Kaufmann, Lindeen, Matthews, McCann, Newman, Raser, Schmidt, Smith, Tropila, Wanzenried.  
Total 26

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 514, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 79

Noes: Adams, Balyeat, Cyr, Dell, Eggers, Gallik, Golie, Jayne, Kasten, Kaufmann, Laszloffy, Newman, Pattison, K. Peterson, Rice, Rome, Smith, Tramelli, Vick, Waitschies, Wanzenried.

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Total 21

Voted Absentee: D. Brown, Fuchs, Lee, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 437**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chairman  
Representative Bales  
Representative Jent

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 457**. Motion carried.

The Speaker appointed the following members:

Representative Olson, Chairman  
Representative Walters  
Representative Branae

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 283**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chairman  
Representative Holden  
Representative Eggers

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 320**. Motion carried.

The Speaker appointed the following members:

Representative Somerville, Chairman  
Representative Smith  
Representative Devlin



HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 327**. Motion carried.

The Speaker appointed the following members:

Representative Sliter, Chairman  
Representative Brueggeman  
Representative Lindeen

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 348**. Motion carried.

The Speaker appointed the following members:

Representative Laszloffy, Chairman  
Representative Somerville  
Representative P. Clark

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 390**. Motion carried.

The Speaker appointed the following members:

Representative Lawson, Chairman  
Representative Somerville  
Representative Galvin-Halcro

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 423**. Motion carried.

The Speaker appointed the following members:

Representative Anderson, Chairman  
Representative K. Peterson  
Representative Jacobson

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 427**. Motion carried.

The Speaker appointed the following members:

Representative Esp, Chairman  
Representative Price  
Representative Mangan

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 429**. Motion carried.

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

The Speaker appointed the following members:

Representative Fuchs, Chairman  
Representative Himmelberger  
Representative Forrester

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 432**. Motion carried.

The Speaker appointed the following members:

Representative McKenney, Chairman  
Representative Whitaker  
Representative Mangan

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 242**. Motion carried.

The Speaker appointed the following members:

Representative Haines, Chairman  
Representative Bookout-Reinicke  
Representative Tropila

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 441**. Motion carried.

The Speaker appointed the following members:

Representative Laible, Chairman  
Representative Price  
Representative Matthews

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 196**. Motion carried.

The Speaker appointed the following members:

Representative Hedges, Chairman  
Representative Waitschies  
Representative McCann

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 573**. Motion carried.

The Speaker appointed the following members:

Representative Bales, Chairman

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Representative Olson  
Representative Matthews

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 612**. Motion carried.

The Speaker appointed the following members:

Representative R. Brown, Chairman  
Representative Barrett  
Representative Dell

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 185**. Motion carried.

The Speaker appointed the following members:

Representative Walter, Chairman  
Representative Ripley  
Representative Raser

Representative K. Peterson requested on **SB 248**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Clancy requested on **SB 514**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Esp requested on **SB 514**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Noennig requested on **HJR 37**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Gillan moved that **SB 439** be taken from the Committee on Taxation and rereferred to the Committee of the Whole on Legislative Day 80.

Representative Sliter moved that **SB 439** be laid on the table. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 49

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, Newman, Noennig, Raser, Schmidt, Schrupf, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried.

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

Total 43

Excused: D. Brown, Fuchs, Lee.

Total 3

Absent or not voting: Bookout-Reinicke, Eggers, Erickson, Musgrove, Mr. Speaker.

Total 5

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/6/2001

Examined by the sponsor and found to be correct: **HB 29, HJR 10.**

Signed by the Speaker at 4:15 p.m., April 6, 2001: **HJR 10.**

Delivered to the Governor for approval at 3:55 p.m., April 6, 2001: **HB 109, HB 190, HB 213, HB 219, HB 332, HB 408, HB 419, HB 444, HB 451, HB 461, HB 477, HB 488, HB 504, HB 529, HB 533, HB 537, HB 609.**

Delivered to the Governor for approval at 5:00 p.m., April 6, 2001: **HB 7, HB 10, HB 12, HB 30, HB 38, HB 195, HB 346, HB 348, HB 456, HB 468, HB 505, HB 599, HB 626.**

Delivered to the Secretary of State at 4:53 p.m., April 6, 2001: **HJR 10, HJR 16, HJR 21, HJR 23, HJR 24, HJR 25, HJR 29, HJR 33, HJR 34.**

**TAXATION** (Story, Chairman):

4/6/2001

**SB 220**, be amended as follows:

1. Page 1, line 20.

**Following:** "RECIPIENT"

**Insert:** "of cash assistance"

2. Page 1, line 24.

**Strike:** "25%"

**Insert:** "15%"

And, as amended, be concurred in. Report adopted.

**SB 346**, be amended as follows:

1. Title, page 1, line 5, through page 1, line 7.

**Strike:** "PROVIDING" on line 5 through "2001;" on line 7

2. Title, page 1, line 10.

**Following:** "DATE"

**Strike:** ", "

**Insert:** "AND"

3. Title, page 1, line 11.

**Strike:** ", AND A TERMINATION DATE"

4. Page 1, line 15 through line 28.

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

5. Page 2, line 18.

**Following:** "15-6-134(1)(c)"

**Insert:** "and 15-6-191"

6. Page 3, line 8.

**Strike:** section 5 in its entirety

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 28  
Report No. 1, April 6, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 28** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 28** (reference copy – salmon) be amended further as follows:

1. Page 17, line 29.

**Strike:** "OR ADMINISTRATIVE AGENCY"

2. Page 18, line 2.

**Strike:** "OR ADMINISTRATIVE AGENCY"

For the Senate:

Hargrove, Chairman  
Halligan  
R. Holden

For the House:

Noennig, Chairman  
Jent  
C. Younkin

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 48  
Report No. 1, April 6, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 48** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 48** (reference copy – salmon) be amended further as follows:

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

1. Page 6, line 14.

**Strike:** "\$25,000"

**Insert:** "\$50,000"

2. Page 6, line 18.

**Strike:** "LICENSE"

**Insert:** "licenses"

**Strike:** "FEE"

**Insert:** "fees"

3. Page 6, line 19.

**Following:** "BEER"

**Insert:** "only,"

**Strike:** the first "OR"

**Following:** "WINE"

**Insert:** "only, or both beer and wine"

4. Page 6, line 21.

**Following:** "OF"

**Insert:** ":"

(a)"

**Following:** "\$50"

**Insert:** "for a beer connoisseur's license;

(b) \$50 for a wine connoisseur's license; or

(c) \$100 for a beer and wine connoisseur's license"

5. Page 6, line 26.

**Following:** "FEE"

**Insert:** "for a beer connoisseur's license or a wine connoisseur's license and a \$50 renewal fee for a beer and wine connoisseur's license"

6. Page 7, line 8.

**Following:** "(1)"

**Strike:** "THE"

**Insert:** "Subject to the provisions of [section 7], the"

7. Page 7, line 9.

**Strike:** "288"

**Insert:** "144"

**Strike:** the first "24"

**Insert:** "12"

**Strike:** "576"

**Insert:** "288"

**Strike:** the second "24"

**Insert:** "12"

8. Page 7, line 11.

**Following:** "RESALE."

HOUSE JOURNAL  
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 6, 2001

**Insert:** "A person wishing to receive both wine and beer under this section must possess a beer and wine connoisseur's license."

For the Senate:

Sprague, Chairman  
Butcher  
Ryan

For the House:

McKenney, Chairman  
Matthews

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, April 7, 2001. Motion carried.

House adjourned at 3:45 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 7, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Jayne. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby, D. Brown, Erickson, Fuchs, Himmelberger, and Lee, excused. Quorum present.

Representative Holden led the House in singing Happy Birthday to Representative Gallus.

Mr. Speaker introduced the honorary pages of the week:

Brooke Holden, Valier  
Marcellina Pulcini, Bozeman  
Kaili Matteson, Helena  
Kim Barry, Helena  
Cory Campbell, Kalispell

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/7/2001  
Correctly printed: **SB 73, SB 134, SB 220, SB 315, SB 322, SB 346, SB 445, SB 494, SB 501, SB 508, SB 510, SB 519.**  
Correctly engrossed: **SB 131, SB 326, SB 338, SB 489.**  
Signed by the Speaker at 7:15 a.m., April 7, 2001: **HB 29.**

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in: 4/6/2001

**SB 396**, introduced by Grosfield  
**SB 466**, introduced by Waterman  
**SB 469**, introduced by DePratu  
**SB 473**, introduced by Waterman  
**SB 474**, introduced by Grimes  
**SB 476**, introduced by Keenan  
**SB 477**, introduced by Jergeson  
**SB 491**, introduced by Taylor

House amendments to Senate joint resolutions concurred in: 4/6/2001

**SJR 2**, introduced by Waterman  
**SJR 10**, introduced by Kitzenberg  
**SJR 12**, introduced by Beck



HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/6/2001

**HB 632**, introduced by Mood

**SB 185** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 185**:

4/6/2001

Senator Bohlinger, Chairman  
Senator Cobb  
Senator Ellingson

**SB 242** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 242**:

4/6/2001

Senator Mahlum, Chairman  
Senator O'Neil  
Senator Toole

**SB 196** - The Senate acceded to the request of the House, dissolved the conference committee on Senate amendments to **SB 196**, and authorized the President to appoint the following free conference committee to confer on **SB 196**:

4/6/2001

Senator Holden, Chairman  
Senator Ekegren  
Senator Tester

Majority Leader Sliter moved that the House recess until 8:45 a.m. Motion carried.

House recessed at 8:08 a.m.

House reconvened at 8:45 a.m. All members present, except Representatives Bixby, D. Brown, Erickson, Fuchs, Himmelberger, and Lee, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laszloffy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 445** - Representative Sliter moved **SB 445** be concurred in.

**SB 445** - Representative Kaufmann moved **SB 445**, second reading copy, be amended as follows :

1. Page 3, line 19 and line 20.

**Strike:** line 19 and line 20 in their entirety

**Renumber:** subsequent subsection

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

2. Page 3, line 21.

**Following:** "(5)"

**Insert:** "State funding appropriated to the office of economic development for the purpose of administering the provisions of [sections 1 through 5] is limited to \$350,000 each fiscal year."

**Following:** "for"

**Strike:** "the"

**Insert:** "these"

3. Page 3, line 22.

**Strike:** line 22 through "5]"

**Insert:** "purposes"

4. Page 12, line 28.

**Following:** "officer"

**Strike:** "and six professional staff positions"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Voted Absentee: Bixby, Erickson, Lee, Ayes; D. Brown, Fuchs, Himmelberger, Noes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**SB 445** - Representative Sliter moved **SB 445**, second reading copy, be amended as follows :

1. Title, page 1, line 16.

**Following:** "INSTITUTIONS<sub>2</sub>"

**Insert:** "BOARD OF COUNTY PRINTING,"

2. Title, page 1, line 22.

**Following:** "2-15-1803,"

**Insert:** "2-15-1811,"

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

3. Page 8, line 22.

**Insert:** "Section 11. Section 2-15-1811, MCA, is amended to read:

**"2-15-1811. Board of county printing -- composition -- allocation -- compensation.** (1) There is a board of county printing.

(2) The board consists of five members appointed by the governor with the consent of the senate for terms of 2 years.

(3) The members are:

(a) two members of the printing industry;

(b) two county commissioners;

(c) one member of the general public.

(4) The board is allocated to the department of administration for administrative purposes only as prescribed in 2-15-121.

(5) The members of the board ~~shall~~ must be compensated and reimbursed in the same manner and amount as provided for in 37-1-133."

**Renumber:** subsequent sections

4. Page 176, line 8.

**Following:** "2-15-1803"

**Insert:** "and 2-15-1811"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, Carney, P. Clark, Eggers, Erickson, Galvin-Halcro, Gillan, Golie, Hurdle, Lee, Musgrove, Newman, Wanzenried.

Total 13

Voted Absentee: D. Brown, Fuchs, Himmelberger, Ayes; Bixby, Erickson, Lee, Noes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**SB 445** - Representative Sliter moved **SB 445**, second reading copy, be further amended as follows :

1. Title, page 1, line 10 through line 11.

**Strike:** "EXTENDING" on line 10 through "FUND;" on line 11

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Buzzas, Carney, P. Clark, Eggers, Erickson, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Lee, Newman, Wanzenried.

Total 14

Voted Absentee: D. Brown, Fuchs, Himmelberger, Ayes; Bixby, Erickson, Lee, Noes.

Excused: None.

Total 0

Absent or not voting: Balyeat, Lindeen, Story.

Total 3

**SB 445** - Representative Gallik moved **SB 445**, second reading copy, be further amended as follows :

1. Title, page 1, line 20.

**Strike:** "ADMINISTRATION"

**Insert:** "JUSTICE"

2. Page 54, line 8.

**Strike:** "ADMINISTRATION"

**Insert:** "justice"

3. Page 54, line 9.

**Strike:** "2-15-1001"

**Insert:** "2-15-2001"

4. Page 55, line 28.

**Strike:** "ADMINISTRATION"

**Insert:** "justice"

5. Page 55, line 29.

**Strike:** "2-15-1001"

**Insert:** "2-15-2001"

6. Page 56, line 10.

**Strike:** "ADMINISTRATION"

**Insert:** "justice"

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

7. Page 56, line 11.

**Strike:** "2-15-1001"

**Insert:** "2-15-2001"

8. Page 62, line 3.

**Strike:** "ADMINISTRATION"

**Insert:** "justice"

9. Page 62, line 7.

**Strike:** "ADMINISTRATION"

**Insert:** "justice"

10. Page 62, line 26.

**Strike:** "ADMINISTRATION"

**Insert:** "justice"

11. Page 159, line 25.

**Strike:** "OF ADMINISTRATION"

12. Page 160, line 3.

**Strike:** "OF ADMINISTRATION"

13. Page 160, line 4.

**Strike:** "OF ADMINISTRATION"

14. Page 160, line 6 through line 8.

**Strike:** "THE" on line 6 through "CERTIFIED." on line 8

**Strike:** "OF ADMINISTRATION" on line 8

15. Page 160, line 27 through line 28.

**Strike:** "OF ADMINISTRATION"

16. Page 160, line 30.

**Strike:** "OF ADMINISTRATION"

17. Page 161, line 2.

**Strike:** "OF ADMINISTRATION"

18. Page 161, line 6 through line 7.

**Strike:** "THE DEPARTMENT" on line 6 through "CERTIFICATION." on line 7

**Strike:** "OF ADMINISTRATION" on line 7.

19. Page 161, line 11.

**Strike:** "OF ADMINISTRATION"

20. Page 161, line 19.

**Strike:** "OF ADMINISTRATION"

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

21. Page 161, line 25.

**Strike:** "OF ADMINISTRATION"

22. Page 161, line 30.

**Strike:** "OF ADMINISTRATION"

23. Page 162, line 1.

**Strike:** "OF ADMINISTRATION"

24. Page 162, line 5.

**Strike:** "OF ADMINISTRATION"

25. Page 162, line 6.

**Strike:** "OF ADMINISTRATION"

26. Page 162, line 8.

**Strike:** "OF ADMINISTRATION"

27. Page 162, line 10.

**Strike:** "OF ADMINISTRATION"

28. Page 162, line 14.

**Strike:** "OF ADMINISTRATION"

29. Page 162, line 16.

**Strike:** "OF ADMINISTRATION"

30. Page 162, line 19.

**Strike:** "OF ADMINISTRATION"

31. Page 162, line 20.

**Strike:** "OF ADMINISTRATION"

32. Page 162, line 21.

**Strike:** "OF ADMINISTRATION"

33. Page 162, line 24.

**Strike:** "OF ADMINISTRATION"

34. Page 163, line 3.

**Strike:** "OF ADMINISTRATION"

35. Page 163, line 15.

**Strike:** "OF ADMINISTRATION"

36. Page 163, line 27.

**Strike:** "OF ADMINISTRATION"

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

37. Page 163, line 30.

**Strike:** "OF ADMINISTRATION"

38. Page 164, line 4.

**Strike:** "OF ADMINISTRATION"

39. Page 164, line 6.

**Strike:** "OF ADMINISTRATION"

40. Page 164, line 9.

**Strike:** "OF ADMINISTRATION"

41. Page 164, line 13.

**Strike:** "OF ADMINISTRATION"

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried.

Total 45

Noes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Voted Absentee: Bixby, Erickson, Lee, Ayes; D. Brown, Fuchs, Himmelberger, Noes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**SB 445** - Representative Buzzas moved **SB 445**, second reading copy, be further amended as follows :

1. Page 4, line 1.

**Strike:** "and"

2. Page 4, line 3.

**Following:** "sector"

**Strike:** "."

**Insert:** "; and"

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

3. Page 4, line 4.

**Insert:** "(f) by June 30 of each even-numbered year report to the legislative finance committee and by the 10<sup>th</sup> day of the regular legislative session report to the legislature the following:

- (i) new jobs created;
- (ii) average salary of new jobs created; and
- (iii) estimated additional Montana state tax revenues generated."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 43

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 55

Voted Absentee: Bixby, Erickson, Lee, Ayes; D. Brown, Fuchs, Himmelberger, Noes.

Excused: None.

Total 0

Absent or not voting: Balyeat, Mr. Speaker.

Total 2

Representative Gallik moved that the House reconsider its action on his amendment (790746CW.hdc) to **SB 445**. Motion failed as follows:

Ayes: Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Noes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Voted Absentee: D. Brown, Fuchs, Himmelberger, Noes.



HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Excused: Bixby, Erickson, Lee.  
Total 3

Absent or not voting: Balyeat, Cyr.  
Total 2

Motion that **SB 445**, as amended, be concurred in.

Representative R. Brown moved for cloture. Motion requiring a two-thirds vote failed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Haines, Hedges, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Noes: Branae, Buzzas, Callahan, P. Clark, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 31

Excused: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee.  
Total 6

Absent or not voting: Balyeat, Carney.  
Total 2

Thereupon **SB 445**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 43

Voted Absentee: D. Brown, Fuchs, Himmelberger, Ayes; Bixby, Erickson, Lee, Noes.

Excused: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Absent or not voting: None.  
Total 0

Representative Sliter excused at this time.

**SB 179** - Representative Vick moved **SB 179** be concurred in.

**SB 179** - Representative Vick moved **SB 179**, second reading copy, be amended as follows :

1. Page 2, line 24.

**Strike:** "that" on page 2, line 24 through "fund" on page 2, line 26

2. Page 2, line 28.

**Following:** "records."

**Insert:** "The exclusion for equipment does not apply to equipment for goods and services related to the maintenance of highway infrastructure in the department of transportation maintenance program to be paid from the highways state special revenue fund."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Eggers, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Musgrove, Smith, Tramelli.

Total 10

Voted Absentee: D. Brown, Aye.

Excused: Bixby, Erickson, Fuchs, Himmelberger, Lee, Sliter.

Total 6

Absent or not voting: None.

Total 0

**SB 179** - Representative Vick moved **SB 179**, second reading copy, be further amended as follows :

1. Page 8, line 11.

**Following:** "system."

**Insert:** "Documents implementing approved changes must be signed."

2. Page 15, line 1.

**Insert:** "NEW SECTION. **Section 13. Coordination instruction.** If House Bill No. 533 and [this act] are both

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

passed and approved, then the sentence "The forms must be signed." added to section 17-7-138(3) by House Bill No. 533 is void."

**Renumber:** subsequent section

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: D. Brown, Sliter, Ayes.

Excused: Bixby, Erickson, Fuchs, Himmelberger, Lee.

Total 5

Absent or not voting: None.

Total 0

Motion that **SB 179**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Total 0

**SB 191** - Representative Younkin moved **SB 191** be concurred in.

**SB 191** - Representative Younkin moved **SB 191**, second reading copy, be amended as follows :

1. Page 15, line 27.

**Following:** "2-15-150."

**Insert:** "(6) Proceeds from license plate donations and proceeds from any loan from the board of investments that are received in the special revenue account established in 2-15-150 are statutorily appropriated, as provided in 17-7-502, to the Lewis and Clark bicentennial commission."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Voted Absentee: D. Brown, Sliter, Ayes.

Excused: Bixby, Erickson, Fuchs, Himmelberger, Lee.

Total 5

Absent or not voting: Mangan, Witt.

Total 2

Motion that **SB 191**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 87

Noes: Barrett, R. Brown, Dell, Devlin, Eggers, Esp, Galvin-Halcro, Golie, Gutsche, Himmelberger, Juneau, Musgrove, Mr. Speaker.

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Total 13

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Lee, Sliter, Ayes; Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 176** - Representative Witt moved **SB 176** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Esp, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery.

Total 74

Noes: Adams, Balyeat, Bitney, Bookout-Reinicke, D. Brown, Davies, Erickson, Facey, Fisher, Fuchs, Gallik, Harris, Jent, Laslovich, Laszloffy, Lawson, Lewis, McKenney, Mood, Shockley, Sliter, Somerville, Vick, Walters, Younkin, Mr. Speaker.

Total 26

Voted Absentee: Bixby, Himmelberger, Lee, Ayes; D. Brown, Erickson, Fuchs, Sliter, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 315** - Representative Buzzas moved **SB 315** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery.

Total 78

Noes: Adams, Bales, Balyeat, Barrett, Brueggeman, Curtiss, Davies, Esp, Fisher, Hedges, Himmelberger, Holden, Kasten, Laible, Mood, Pattison, Shockley, Somerville, Vick, Walters, Younkin, Mr. Speaker.

Total 22

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Lee, Sliter, Ayes; Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 322** - Representative Keane moved **SB 322** be concurred in. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.  
Total 75

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, Davies, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laszloffy, Pattison, Ripley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.  
Total 25

Voted Absentee: Bixby, Erickson, Lee, Ayes; D. Brown, Fuchs, Himmelberger, Sliter, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Gallik, Gallus, Haines, Hedges, Holden, Jackson, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Balyeat, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Facey, Forrester, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Lindeen, Newman, Raser, Schmidt, Tramelli, Waitschies, Wanzenried.  
Total 26

Excused: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter.

Total 7

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Absent or not voting: Gillan, Mangan.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/7/2001  
Correctly engrossed: **SB 176, SB 179, SB 191, SB 315, SB 322, SB 445.**

**TAXATION** (Story, Chairman): 4/7/2001  
**SB 134**, be amended as follows:

1. Page 2, line 29.

**Following:** "(1)(a)"

**Insert:** ", rounded to the nearest 10th of a percent"

2. Page 3, line 1.

**Following:** "2001"

**Insert:** ", and before January 1, 2008"

3. Page 3, line 26.

**Following:** "(1)(a)"

**Insert:** ", rounded to the nearest 10th of a percent"

4. Page 3, line 28.

**Following:** "2001"

**Insert:** ", and before January 1, 2008"

And, as amended, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 44**, introduced by Curtiss, R. Brown, Dell, Fisher, Forrester, Haines, Juneau, Matthews, Mood, Olson, Schmidt, Story, referred to Federal Relations, Energy, and Telecommunications.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 377, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood,

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Brueggeman, Lewis, Tramelli.

Total 3

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 27, as amended by the Senate**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: R. Brown, P. Clark, Gallik, Galvin-Halcro, Mangan, Newman, Raser, Smith.

Total 8

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 36** adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters,



HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, R. Brown, Esp, Mangan.  
Total 4

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.  
Total 0

Absent or not voting: Cyr.  
Total 1

**SB 131, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 325, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Noes: None.  
Total 0

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 326, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: R. Brown, Dale, Gallik, Galvin-Halcro, Gutsche, Juneau, Musgrove.  
Total 7

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.  
Total 0

Absent or not voting: Pattison.  
Total 1

**SB 338** concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.  
Total 84

Noes: Balyeat, P. Clark, Davies, Harris, Himmelberger, Kasten, Laible, Laslovich, Laszloffy, Newman, Pattison, Shockley, Story, Vick, Younkin, Mr. Speaker.  
Total 16

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Lee, Sliter, Ayes; Himmelberger, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 489, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Hurdle, Jent, Laszloffy, Newman.

Total 5

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Himmelberger, Lee, Sliter, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 495, as amended by the House**, concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Adams, Bales, Davies, Eggers, Esp, Harris, Himmelberger, Kasten, Laszloffy, McCann, Pattison, K. Peterson, Somerville, Story, Vick, Waitschies.

Total 16

Voted Absentee: Bixby, D. Brown, Erickson, Fuchs, Lee, Sliter, Ayes; Himmelberger, No.

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 7, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Witt requested on **SB 325**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Younkin moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 151**. Motion carried.

The Speaker appointed the following members:

Representative R. Brown, Chairman  
Representative Barrett  
Representative Gallus

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Younkin moved that the House adjourn until 11:00 a.m., Monday, April 9, 2001. Motion carried.

House adjourned at 11:50 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana  
April 9, 2001

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Price. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Fuchs and Jayne, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-ninth, seventieth, and seventy-first legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Mr. Speaker introduced the pages of the week:

William Sehestedt, Missoula  
Jessica Andersen, Helena  
Rachel Wittman, Huntley  
Chad Campbell, Kalispell  
Elise Anderson, Kalispell  
Michelle Aamold, Hobson  
Eliza Coleman, Belgrade  
Kiley Gelderman, Missoula  
Scott Peterson, Glendive

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 4/7/2001

**HB 8**, introduced by McCann  
**HB 247**, introduced by Lewis  
**HB 447**, introduced by Lewis  
**HB 608**, introduced by Haines  
**HB 650**, introduced by Mood

House joint resolution concurred in and returned to the House: 4/7/2001

**HJR 38**, introduced by Waddill

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/7/2001

**HB 3**, introduced by Fisher  
**HB 4**, introduced by Witt  
**HB 6**, introduced by McCann

**HB 146** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 146**:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

4/7/2001

Senator Grimes, Chairman  
Senator Halligan  
Senator McNutt

**HJR 32** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HJR 32**:

4/7/2001

Senator Bishop, Chairman  
Senator Butcher  
Senator Pease

**MESSAGES FROM THE GOVERNOR**

April 6, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 131** sponsored by Representative Somerville, **House Bill 363** sponsored by Representative Wanzenried et al., **House Bill 378** sponsored by Representative Lee et al., and **House Bill 523** sponsored by Representative Whitaker et al. on April 6, 2001.

Sincerely,

JUDY MARTZ  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Shockley in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 446** - Representative Sliter moved consideration of **SB 446** be passed for the day. Motion carried.

Representative Jayne present at this time.

**HB 208 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 208** be **not** concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 324 - Senate Amendments** - Representative Mangan moved Senate amendments to **HB 324** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.

Total 94

Noes: Balyeat, Jackson, Kasten, Vick, Younkin.

Total 5

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 359 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 359** be **not** concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 85

Noes: Bales, Balyeat, R. Brown, Esp, Jackson, Jayne, Laible, Laszloffy, Sliter, Somerville, Story, Vick, Mr. Speaker.

Total 13

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: Clancy, Mood.

Total 2

**HB 360 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 360** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: Hurdle, Newman, Mr. Speaker.

Total 3

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 459 - Senate Amendments** - Representative Mood moved Senate amendments to **HB 459** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark,



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 37

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: D. Brown.

Total 1

**HB 572 - Senate Amendments** - Representative Bales moved Senate amendments to **HB 572** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: P. Clark, Galvin-Halcro, Jayne, Musgrove, Smith, Tramelli, Wanzenried.

Total 7

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

Representative Fuchs present at this time.

**HB 605 - Senate Amendments** - Representative Mood moved Senate amendments to **HB 605** be **not** concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Buzzas, Carney, P. Clark, Eggers, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Hurdle, Jayne, Musgrove, Newman, Raser, Tramelli, Waddill, Wanzenried.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 46** - Representative Waitschies moved **SB 46** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Bixby, Eggers, Jayne.

Total 3

Excused: None.

Total 0

Absent or not voting: A. Peterson.

Total 1

**SB 129** - Representative Waddill moved **SB 129** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 162** - Representative Story moved **SB 162** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Laslovich.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 519** - Representative Forrester moved **SB 519** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Hurdle, McCann, Musgrove, Wanzenried.

Total 5

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 240** - Representative Devlin moved **SB 240** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Bixby, Eggers, Erickson, Facey, Gallik, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Lee, McCann, Musgrove, Smith.  
Total 14

Excused: None.  
Total 0

Absent or not voting: A. Peterson.  
Total 1

**SB 258** - Representative Somerville moved **SB 258** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Adams, Balyeat, Davies, Vick.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Ripley.  
Total 1

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**SB 264** - Representative Esp moved **SB 264** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Fisher.

Total 1

Excused: None.

Total 0

Absent or not voting: Clancy, Gallus.

Total 2

**SB 280** - Representative A. Peterson moved **SB 280** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Erickson, Fritz, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 71

Noes: Adams, Balyeat, R. Brown, Brueggeman, Davies, Dell, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Kasten, Laszloffy, Lewis, Newman, Pattison, Raser, Tramelli, Vick, Wanzenried.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 281** - Representative Sliter moved consideration of **SB 281** be placed at the bottom of the second reading board. Motion carried.

**SB 303** - Representative Younkin moved **SB 303** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Eggers, Esp, Galvin-Halcro, Golie, Juneau, Keane, Lee, Lenhart, Mangan, Newman, Tramelli.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Wolery.  
Total 1

**SB 317** - Representative Waddill moved **SB 317** be concurred in.

Representative Himmelberger expressed a conflict of interest and abstained from voting.

Motion that **SB 317** be concurred in carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 84

Noes: Adams, Curtiss, Esp, Fisher, Gallik, Jackson, Jayne, Juneau, Mangan, McCann, Musgrove, K. Peterson, Thomas, Mr. Speaker.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Davies, Himmelberger.  
Total 2

**SB 350** - Representative Erickson moved **SB 350** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Adams, Balyeat, D. Brown, Davies, Fisher, Jackson.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 483** - Representative Kaufmann moved **SB 483** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Adams, Balyeat, R. Brown.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 506** - Representative Juneau moved **SB 506** be concurred in. Motion carried as follows:

Ayes: Adams, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 84

Noes: Andersen, Bales, Dale, Davies, Esp, Fisher, Hedges, Kasten, Laszloffy, Lewis, Lindeen, K. Peterson, Vick,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Waitschies, Younkin.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Sliter.  
Total 1

**SB 521** - Representative Forrester moved **SB 521** be concurred in.

**SB 521** - Representative Sliter moved **SB 521**, second reading copy, be amended as follows :

1. Title, line 6.

**Following:** "GOVERNOR;"

**Insert:** "EXTENDING THE DURATION OF AN ENERGY EMERGENCY; CLARIFYING THAT PROCEEDINGS UNDERTAKEN DURING AN ENERGY EMERGENCY MAY BE COMPLETED;"

**Following:** "90-4-302"

**Strike:** "AND"

**Insert:** ", "

**Following:** "90-4-310,"

**Insert:** "AND 90-4-313,"

2. Page 2, line 25.

**Strike:** "45"

**Insert:** "90"

3. Page 3, line 24.

**Insert:** "**Section 3.** Section 90-4-313, MCA, is amended to read:

**"90-4-313. Compliance.** Notwithstanding any provision of law or contract to the contrary, all persons who are specifically ordered by the governor to comply with an order issued or action taken pursuant to this part shall comply. A proceeding or project that is commenced under an energy emergency may proceed to completion even if the completion occurs after the termination of the emergency."

**Renumber:** subsequent section

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Balyeat, Bixby, Buzzas, Callahan, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Total 33

Excused: None.

Total 0

Absent or not voting: Carney, McCann.

Total 2

Motion that **SB 521**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Bixby, Erickson, Fritz, Gallik, Harris, Hurdle, Jayne, Laszloffy, Smith, Tropila.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 73** - Representative Devlin moved **SB 73** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Juneau, Kaufmann, Laible, Laszloffy, Lehman, Lenhart, Lewis, Matthews, McKenney, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 63

Noes: Bixby, Branae, Buzzas, Callahan, P. Clark, Cyr, Dell, Eggers, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Kasten, Keane, Laslovich, Lawson, Lee, Lindeen, Mangan, Masolo, McCann, Musgrove, Newman, Olson, Raser, Schmidt, Sliter, Smith, Tramelli, Tropila, Wanzenried, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Total 0

**SB 220** - Representative Waddill moved **SB 220** be concurred in. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Mangan, Matthews, Musgrove, Newman, Noennig, K. Peterson, Price, Raser, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Shockley moved the Committee of the Whole report be adopted.

Representative Waddill made a substitute motion that **SB 220** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Jacobson, Lehman.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/9/2001  
Correctly enrolled: **HB 377, HJR 27.**  
Examined by the sponsor and found to be correct: **HB 377, HJR 27.**  
Signed by the Speaker at 3:30 p.m., April 9, 2001: **HB 377, HJR 27.**  
Delivered to the Governor for her approval at 3:35 p.m., April 9, 2001: **HB 29.**

**TAXATION** (Story, Chairman): 4/7/2001  
**SB 505**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "GENERATION"

**Insert:** "FROM CERTAIN PROPERTY TAX LEVIES FOR A CERTAIN PERIOD OF TIME;"

**Strike:** "AND"

**Insert:** "EXEMPTING CERTAIN"

2. Title, page 1, line 12 through line 14.

**Strike:** "PROVIDING" on line 12 through "OWNER;" on line 14

3. Page 2, line 6.

**Strike:** "taxation"

**Insert:** "tax levies imposed under 20-9-331, 20-9-333, and 20-9-360"

4. Page 2, line 18.

**Following:** "KILOWATT"

**Insert:** "hours of"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

5. Page 3, line 3.

**Following:** "wind turbines,"

**Insert:** "geothermal power sources,"

6. Page 3, line 23.

**Strike:** the first "in" through "located"

**Insert:** "under 20-9-331, 20-9-333, and 20-9-360"

7. Page 3, line 24.

**Following:** "TAX"

**Insert:** "that would have been distributed under 20-9-331, 20-9-333, and 20-9-360"

8. Page 4, line 3.

**Strike:** "a one-time"

**Insert:** "an"

9. Page 4, line 4.

**Strike:** "1% "

**Insert:** "1.5% "

10. Page 4, line 5.

**Following:** "facility"

**Insert:** "and not to exceed the lesser of 0.5% of the total cost of constructing the electrical generation facility or \$500,000 in each successive year through the term of the property tax exemption taken pursuant to [section 1]"

11. Page 5, line 30 through page 6, line 20.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

12. Page 6, line 22.

**Strike:** "(1)"

13. Page 6, line 25 through line 26.

**Strike:** subsection (2) in its entirety

14. Page 6, line 30.

**Strike:** "SECTIONS"

**Insert:** "Section"

**Strike:** "AND 5"

**Strike:** "ARE"

**Insert:** "is"

**Strike:** "APPLY"

**Insert:** "applies"

And, as amended, be concurred in. Report adopted.

**SB 512**, be amended as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

1. Title, page 1, line 5.

**Strike:** "EXCISE"

**Insert:** "EXCESS REVENUE"

2. Title, page 1, line 11.

**Strike:** "EXCISE"

**Insert:** "EXCESS REVENUE"

3. Title, page 1, line 13.

**Following:** " ; "

**Insert:** "PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA;"

4. Page 1, line 18.

**Strike:** the first "excise"

**Insert:** "excess revenue"

**Strike:** the second "excise"

**Insert:** "excess revenue"

5. Page 1, lines 19 and 20.

**Following:** "on" on line 19

**Insert:** "the excess revenue derived from"

**Strike:** "by" on line 19 through "state" on line 20

**Insert:** "generated in Montana"

6. Page 1, line 21.

**Following:** the first "the"

**Insert:** "excess"

7. Page 1, line 22.

**Following:** "~~contract~~" in both places

**Insert:** "net" in both places

8. Page 1, line 22.

**Strike:** "megawatts"

**Insert:** "the megawatt hours"

9. Page 1, line 24 through page 2, line 1.

**Strike:** line 24 on page 1 through line 1 on page 2

10. Page 2.

**Following:** line 2

**Insert:** "Net sales price of megawatt hours sold      Rate of tax  
on the first \$15 of net sales price or any part of that price 20%  
on the next \$10 of net sales price or any part of that price 40%  
on the next \$10 of net sales price or any part of that price 60%  
on the next \$10 of net sales price or any part of that price 80%  
in excess of \$45 of net sales price or any part of that price 90% "

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**Insert:** "(3) For the purposes of this section, "net sales price" means the sales price of megawatt hours sold less \$45 from that sales price."

**Renumber:** subsequent subsections

11. Page 2, line 6.

**Strike:** "excise"

**Insert:** "excess revenue"

12. Page 2, line 16.

**Strike:** "60"

**Insert:** "30"

**Following:** line 16

**Insert:** "(4) a qualifying small power production facility, as that term is defined in 16 U.S.C. 796(17), that is owned and operated by a person not primarily engaged in the generation or sale of electricity other than electric power from a small power production facility;

(5) electrical energy generated in Montana by a fully integrated, regulated public utility and sold to customers within the authorized service territory of the public utility;"

**Renumber:** subsequent subsections

13. Page 6, line 8.

**Strike:** "excise"

**Insert:** "excess revenue"

14. Page 7, line 2.

**Strike:** "after [the termination date of this act]"

15. Page 7, line 3.

**Strike:** "must be"

**Insert:** "is statutorily"

**Following:** "appropriated"

**Insert:** ", "

**Strike:** "by the legislature"

**Insert:** "as provided in 17-7-502,"

16. Page 7, line 13.

**Strike:** "of a contract"

17. Page 7, line 14.

**Following:** "supplier"

**Insert:** "or customer"

18. Page 7, line 29.

**Insert:** "**Section 13.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; section 111; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 39**, adopted as follows:

Ayes: Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Juneau, Kaufmann, Laible, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Schmidt, Schruppf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 71

Noes: Adams, Andersen, Bixby, D. Brown, R. Brown, Brueggeman, Dale, Davies, Esp, Fuchs, Himmelberger, Jayne, Jent, Kasten, Keane, Laszloffy, Lawson, Lee, Masolo, McCann, Pattison, K. Peterson, Rice, Rome, Sliter, Steinbeisser, Vick, Waddill, Younkin.

Total 29

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Absent or not voting: None.  
Total 0

**SB 176, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Esp, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.  
Total 77

Noes: Adams, Balyeat, Bitney, Bookout-Reinicke, Dale, Davies, Erickson, Facey, Fisher, Fuchs, Gallik, Jent, Laslovich, Laszloffy, Lawson, Lewis, McKenney, Shockley, Sliter, Somerville, Vick, Younkin, Mr. Speaker.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 179, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Smith.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 191, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan,



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gillan, Haines, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 78

Noes: Bales, Barrett, Bixby, R. Brown, Dell, Devlin, Eggers, Erickson, Esp, Fuchs, Galvin-Halcro, Golie, Gutsche, Harris, Himmelberger, Hurdle, Juneau, Lee, Musgrove, Story, Tramelli, Waitschies.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 315, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 77

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Davies, Esp, Fisher, Fuchs, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Pattison, Somerville, Story, Vick, Witt, Mr. Speaker.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 322, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Total 79

Noes: Adams, Balyeat, Barrett, Bitney, Davies, Esp, Fisher, Fuchs, Himmelberger, Jackson, Kasten, Laszloffy, Pattison, Ripley, Sliter, Steinbeisser, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 445, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Gallik requested on **SB 317**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 208**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chairman  
Representative K. Peterson  
Representative Harris

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

committee from the Senate to confer on Senate amendments to **HB 324**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chairman  
Representative Noennig  
Representative Mangan

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 359**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative Wolery  
Representative P. Clark

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 360**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative Wolery  
Representative P. Clark

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 459**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative Younkin  
Representative Forrester

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 572**. Motion carried.

The Speaker appointed the following members:

Representative Story, Chairman  
Representative Olson  
Representative Matthews

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 605**. Motion carried.

The Speaker appointed the following members:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Representative Mood, Chairman  
Representative Clancy  
Representative Matthews

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 1:18 p.m.

House reconvened at 3:00 p.m. All members present. Quorum present.

**SPECIAL ORDERS OF THE DAY**

The Speaker introduced Bill Davis/Principal, Jim Kelly/Dean of Students, Jennifer Larson and Dessica McKeethum/Co-Directors from the Great Falls School of the Deaf and Blind. The "Expressions Of Silence" group of twenty-two students signed two songs.

**MESSAGES FROM THE SENATE**

Senate joint resolution passed and transmitted to the House for concurrence: 4/9/2001

**SJR 20**, introduced by Ellingson

House bill concurred in and returned to the House: 4/9/2001

**HB 642**, introduced by Story

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/9/2001

**HB 395**, introduced by B. Thomas

**HB 600**, introduced by Bookout-Reinicke

**HB 619**, introduced by Harris

**HB 623**, introduced by Mangan

**HB 643**, introduced by Juneau

**HB 644**, introduced by Pattison

**HB 646**, introduced by Golie

**HB 214** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 214**: 4/9/2001

Senator Berry, Chairman

Senator Doherty

Senator Thomas

**HB 290** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 290**: 4/9/2001

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Senator Grosfield, Chairman  
Senator Halligan  
Senator McNutt

**HB 559** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 559**:  
4/9/2001

Senator Miller, Chairman  
Senator Christiaens  
Senator Grimes

**HB 573** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the Senate to confer on **HB 573**:  
4/9/2001

Senator Cole, Chairman  
Senator Crismore  
Senator Roush

**HB 603** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 603**:  
4/9/2001

Senator Grimes, Chairman  
Senator O'Neil  
Senator Stonington

**HB 612** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 612**:  
4/9/2001

Senator Ellis, Chairman  
Senator Glaser  
Senator Shea

Conference committee report #1 adopted: 4/9/2001

**HB 172**, introduced by Holden  
**SB 28**, introduced by Halligan  
**SB 48**, introduced by Sprague

Free conference committee report #1 adopted: 4/9/2001

**HB 154**, introduced by McGee  
**HB 293**, introduced by Harris

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 20**, introduced by Ellingson, Beck, Berry, Bohlinger, Butcher, Buzzas, Callahan, Carney, Christiaens, Clancy,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

P. Clark, Cobb, Cocchiarella, Crismore, Cyr, Davies, Doherty, Ekegren, Elliott, Franklin, Grimes, Grosfield, Gutsche, Haines, Halligan, Harrington, Jayne, Jergeson, Kaufmann, Kitzenberg, Lindeen, McCarthy, McKenney, Nelson, Newman, Pattison, Pease, Roush, Shea, Stonington, Tester, F. Thomas, Toole, Tropila, Waterman, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Shockley in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 346** - Representative Devlin moved **SB 346** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Fuchs.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 494** - Representative Somerville moved **SB 494** be concurred in. Motion failed as follows:

Ayes: Andersen, Bookout-Reinicke, R. Brown, Buzzas, Carney, Clancy, E. Clark, Dale, Devlin, Erickson, Esp, Facey, Fritz, Gallus, Gutsche, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kaufmann, Lawson, Lehman, Lenhart, Lewis, Mangan, Matthews, McKenney, Noennig, Olson, A. Peterson, K. Peterson, Price, Ripley, Schrumpf, Sliter, Somerville, Story, Thomas, Tropila, Wolery, Younkin, Mr. Speaker.

Total 44

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, Brueggeman, Callahan, Curtiss, Davies, Dell, Eggers, Fisher, Forrester, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Haines, Hurdle, Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lee, Lindeen, Masolo, McCann, Mood, Musgrove, Newman, Pattison, Raser, Rice, Rome, Schmidt, Shockley, Smith, Steinbeisser, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Total 54

Excused: None.

Total 0

Absent or not voting: P. Clark, Cyr.

Total 2

**SB 501** - Representative Story moved **SB 501** be concurred in.

**SB 501** - Representative Facey moved **SB 501**, second reading copy, be amended as follows :

1. Title, page 1, line 17.

**Following:** "RATES;"

**Insert:** "REVISING THE ASSESSMENT AND TAXATION OF CERTAIN IMPROVEMENTS TO REAL PROPERTY; PROVIDING FOR THE EXPENDITURE OF REVENUE COLLECTED FROM TAXES ON CERTAIN IMPROVEMENTS TO REAL PROPERTY; REQUIRING THAT THE OWNER REPORT OCCUPATION OR USE OF THE IMPROVEMENTS TO THE DEPARTMENT OF REVENUE; PROVIDING THAT TAXES IMPOSED ON THE IMPROVEMENTS ARE NOT SUBJECT TO PENALTY AND INTEREST; PROVIDING THAT THE OWNER OF THE IMPROVEMENTS MAY APPEAL THE VALUATION OF THE IMPROVEMENTS; ESTABLISHING A MINIMUM VALUE OF IMPROVEMENTS THAT ARE SUBJECT TO ASSESSMENT AND TAXATION;"

2. Title, page 1, line 18.

**Following:** "SECTIONS"

**Insert:** "7-6-2320,"

**Following:** "7-6-2522,"

**Insert:** "7-6-4271, 15-8-201,"

**Strike:** "AND"

**Following:** "15-10-420,"

**Insert:** "15-15-102, AND 20-9-161,"

3. Title, page 1, line 19.

**Strike:** "AN IMMEDIATE"

**Following:** line 19

**Strike:** "DATE"

**Insert:** "DATES"

4. Title, page 1, line 20.

**Strike:** "A RETROACTIVE"

**Following:** "APPLICABILITY"

**Strike:** "DATE"

**Insert:** "DATES"

5. Page 1.

**Following:** line 23

**Insert:** "NEW SECTION. Section 1. Assessment and taxation of certain improvements -- procedures -- exception. (1) Except as provided in subsection (8), residential and commercial improvements, including additions

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

to existing improvements, completed during the tax year that were not assessed or taxable as of the preceding January 1 or improvements that have become the property of a person subject to taxation must be assessed and taxed from the date of occupation or use.

(2) (a) An owner of improvements described in subsection (1) shall notify the department that the improvements are occupied or in use. As soon as practical after receiving the notice, the department shall appraise the improvements as provided in Title 15, chapter 8.

(b) Upon completion of the appraisal, the department shall notify the owner of the appraisal.

(c) If the owner of the improvements is dissatisfied with the appraisal, the procedures for review and appeal described in 15-7-102(3) through (6) apply.

(3) To determine the amount of tax due for improvements described in subsection (1), the county treasurer shall multiply the taxable value of the new improvement by the total number of mills levied on the property for the current fiscal year and multiply the product by the ratio that the number of days in the calendar year that the property will be in taxable status bears to 365.

(4) Because the improvement will not have been assessed or taxed during the tax year because it did not exist on January 1, the department shall prepare a special assessment for the property and the county treasurer shall determine the amount of taxes that would have been due under subsection (3).

(5) (a) Except as provided in subsection (5)(b), upon determining the amount of tax due, the county treasurer shall notify the person to whom the tax is assessed, in the same manner as notification is provided under 15-16-101(2), of the amount due, and the notification must state that the taxes are payable as provided in 15-16-102. Taxes imposed under this section are not subject to the penalty and interest provisions under 15-16-102(2) and (3).

(b) If the county treasurer determines the amount of tax due on the improvements after October 1 of the tax year, the notification must state that the taxes are payable by May 31 of the following year.

(6) Immediately upon receipt of taxes imposed under this section, the county treasurer shall distribute the money in the same manner as property taxes are distributed.

(7) Improvements that are assessed and taxed under this section must be included in the tax base as newly taxable property, as provided in 15-10-420, for the fiscal year beginning July 1 that follows assessment and taxation of the improvements under this section.

(8) This section does not apply to improvements described in subsection (1) if the market value of the improvements is less than \$20,000."

**Insert: "Section 2.** Section 7-6-2320, MCA, is amended to read:

**"7-6-2320. Final budget -- approval, adoption, and amendment -- exception.** (1) The budget as finally determined, in addition to setting out separately each item for which an appropriation or expenditure is authorized and the fund out of which it is to be paid, must set out:

- (a) the total amount appropriated and authorized to be spent from each fund;
- (b) the cash balance in the fund at the close of the preceding fiscal year;
- (c) the amount estimated to accrue to the fund from sources other than taxation;
- (d) the reserve for the next fiscal year; and
- (e) the amount necessary to be raised for each fund by tax levy during the current fiscal year.

(2) The board shall then by resolution approve and adopt the budget as finally determined and enter the budget at length in the official minutes of the board.

(3) (a) Subject to compliance with the procedures set forth in subsection (4), the board may approve and adopt a resolution amending a final budget when:

(i) shortfalls in anticipated and budgeted ~~revenues~~ revenue occur that, unless reductions in appropriations are made, will result in expenditures for the year exceeding actual ~~revenues~~ revenue and cash balances available for the year; ~~or~~

(ii) savings result from unanticipated adjustments in projected expenditures; ~~or~~

(iii) revenue has been received from property assessed and taxed pursuant to [section 1].

(b) Amended appropriations must be classified as:



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

- (i) salaries and wages;
- (ii) maintenance and operation;
- (iii) capital outlay;
- (iv) interest and debt redemption; or
- (v) miscellaneous.

(4) Prior to amending a final budget, the board shall:

(a) hold a public hearing on the proposed amendments at least 7 days prior to a vote on the resolution amending the budget; and

(b) publish notice, at least once, in a newspaper of general circulation in the county at least 6 but not more than 16 days before the hearing on the budget amendments. The published notice must specify the date, time, place, and subject of the hearing.

(5) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

**Renumber:** subsequent sections

6. Page 2.

**Following:** line 3

**Insert:** "Section 4. Section 7-6-4271, MCA, is amended to read:

**"7-6-4271. Budget amendment procedure.** (1) The governing body or the chief executive authorized in the annual appropriation resolution may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year is insufficient or may authorize a transfer to be made between items appropriated within the same fund.

(2) The governing body may delegate, in its annual appropriation resolution, budget amendment authority to the chief executive for the expenditure of funds from any ~~or all~~ of the following: debt service funds, enterprise funds, internal service funds, trust funds, federal and state grants accepted and approved by the governing body, special assessments, and donations.

(3) Any accruing revenue of the municipality not appropriated as provided in this part, including revenue received pursuant to [section 1], and any balance at any time remaining after the purpose of an appropriation has been satisfied or abandoned may ~~from time to time~~ be appropriated to other uses that do not conflict with any uses for which specifically the revenue accrued. A public hearing is required for an overall increase in appropriation authority, except in the case of an emergency under Title 10, chapter 3.

(4) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

**Insert:** "Section 5. Section 15-8-201, MCA, is amended to read:

**"15-8-201. General assessment day.** (1) The department shall, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county.

(2) The department shall assess property to:

(a) the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1; or

(b) except in the case of land splits, the new owner if the provisions of 15-7-304 have been met and the transfer certificate has been received and processed prior to determining the taxes that are due as provided in 15-10-305(2).

(3) The department shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1.

(4) A mistake in the name of the owner or supposed owner of real property does not invalidate the assessment.

(5) The procedure provided by this section does not apply to:

(a) motor vehicles;

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

- (b) motor homes, travel trailers, and campers;
- (c) watercraft;
- (d) livestock;
- (e) property defined in 61-1-104 as special mobile equipment that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;
- (f) mobile homes and manufactured homes held by a distributor or dealer as stock in trade; ~~and~~
- (g) property subject to the provisions of 15-16-203; and
- (h) improvements that are subject to the provisions of [section 1].""

**Renumber:** subsequent sections

7. Page 4, line 18.

**Strike:** "taxes imposed"

**Insert:** "the amount of property tax actually assessed"

8. Page 4, line 19.

**Strike:** "include"

**Insert:** "includes"

9. Page 4, line 21.

**Strike:** "do"

**Insert:** "does"

**Following:** "include"

**Insert:** ":

(i)"

**Following:** "15-6-132"

**Insert:** "; or

(ii) taxes collected on certain improvements under the provisions of [section 1]"

10. Page 5.

**Following:** line 11

**Insert:** "**Section 9.** Section 15-15-102, MCA, is amended to read:

**"15-15-102. Application for reduction in valuation.** The valuation of property may not be reduced by the county tax appeal board unless either the taxpayer or the taxpayer's agent makes and files a written application for reduction with the county tax appeal board. The application for reduction may be obtained at the local appraisal office or from the county tax appeal board. The completed application must be submitted to the county clerk and recorder. The date of receipt is the date stamped on the appeal form by the county clerk and recorder upon receipt of the form. The county tax appeal board is responsible for obtaining the applications from the county clerk and recorder. The application must be submitted on or before the first Monday in June or 30 days after receiving either a notice of classification and appraisal, including notice of appraisal under [section 1], or determination after review under 15-7-102(3), including review of an appraisal under [section 1], from the department, whichever is later. If the department's determination after review is not made in time to allow the county tax appeal board to review the matter during the current tax year, the appeal must be reviewed during the next tax year, but the decision by the county tax appeal board is effective for the year in which the request for review was filed with the department. The application must state the post-office address of the applicant, specifically describe the property involved, and state the facts upon which it is claimed the reduction should be made.""

**Insert:** "**Section 10.** Section 20-9-161, MCA, is amended to read:

**"20-9-161. Definition of budget amendment for budgeting purposes.** As used in this title, unless the context clearly indicates otherwise, the term "budget amendment" for the purpose of school budgeting means an

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

amendment to an adopted budget of the district for the following reasons:

(1) an increase in the enrollment of an elementary or high school district that is beyond what could reasonably have been anticipated at the time of the adoption of the budget for the current school fiscal year whenever, because of the enrollment increase, the district's budget for any or all of the regularly budgeted funds does not provide sufficient financing to properly maintain and support the district for the entire current school fiscal year;

(2) the destruction or impairment of any school property necessary to the maintenance of the school, by fire, flood, storm, riot, insurrection, or act of God, to an extent rendering school property unfit for its present school use;

(3) a judgment for damages against the district issued by a court after the adoption of the budget for the current year;

(4) an enactment of legislation after the adoption of the budget for the current year that imposes an additional financial obligation on the district;

(5) the receipt of:

(a) a settlement of taxes protested in a prior school fiscal year;

(b) taxes from a prior school fiscal year as the result of a tax audit by the department of revenue or its agents;

(c) delinquent taxes from a prior school fiscal year; ~~and~~

(d) any revenue distributed under [section 1]; and

(e) a determination by the trustees that it is necessary to expend all or a portion of the taxes received under subsection (5)(a), (5)(b), or (5)(c) for a project or projects that were deferred from a previous budget of the district; or

(6) any other unforeseen need of the district that cannot be postponed until the next school year without dire consequences affecting the safety of the students and district employees or the educational functions of the district.""

**Renumber:** subsequent sections

11. Page 5.

**Following:** line 27

**Insert:** "NEW SECTION. Section 13. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 16, part 2, and the provisions of Title 15, chapter 16, part 2, apply to [section 1]."

**Renumber:** subsequent sections

12. Page 5, line 29.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

**Following:** line 29

**Insert:** "(2) [Sections 1, 2, 4, 5, 8(6), 9, and 10] are effective July 1, 2001."

13. Page 6, line 1.

**Strike:** "Retroactive applicability"

**Insert:** "Applicability"

**Strike:** "[This act] applies"

**Insert:** "(1) [Sections 3, 6 through 8, 11, and 12] apply"

14. Page 6.

**Following:** line 2

**Insert:** "(2) [Section 8(6)] applies after June 30, 2001."

15. Page 6, line 4.

**Strike:** "2(3)"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**Insert:** "6(3)"

**Strike:** "5"

**Insert:** "11"

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Olson, Price, Raser, Schmidt, Shockley, Sliter, Smith, Tramelli, Tropila, Waddill, Younkin.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 501** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Fuchs, Golie, Mood, Pattison, Smith, Wanzenried.

Total 6

Excused: None.

Total 0

Absent or not voting: Galvin-Halcro.

Total 1

**SB 508** - Representative Matthews moved **SB 508** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 73

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Fuchs, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Newman, Raser, Wanzenried.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 510** - Representative Bales moved **SB 510** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 68

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Vick, Waddill, Wanzenried.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 281** - Representative Jackson moved **SB 281** be concurred in.

**SB 281** - Representative Noennig moved **SB 281**, second reading copy, be amended as follows :

1. Title, page 13.  
**Strike:** "OF DELIVERY"

2. Page 4, line 8.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**Strike:** "OF DELIVERY"

3. Page 5, lines 3 and 4.

**Strike:** "THAT" on page 5, line 3 through "ASSESSED" on page 5, line 4

**Insert:** "of the mailing"

4. Page 5, line 9.

**Strike:** "OF DELIVERY"

5. Page 6, lines 22 and 23.

**Strike:** "THAT" on page 6, line 22 through "ASSESSED" on page 6, line 23

**Insert:** "of the mailing"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin.

Total 78

Noes: Adams, Balyeat, Bitney, Clancy, Curtiss, Davies, Esp, Forrester, Fuchs, Himmelberger, Jayne, Kasten, Laible, Laszloffy, Mood, Pattison, Somerville, Vick, Waitschies, Wanzenried, Mr. Speaker.

Total 21

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

Motion that **SB 281**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Balyeat, Jayne.

Total 2

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Majority Leader Sliter moved that the House recess until 5:25 p.m. Motion carried.

House recessed at 5:05 p.m.

House reconvened at 5:25 p.m. All members present. Quorum present.

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Shockley moved the Committee of the Whole report be adopted.

Representative Gallus made a substitute motion that **SB 494** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Juneau, Kaufmann, Keane, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Adams, Balyeat, Barrett, Brueggeman, Callahan, P. Clark, Davies, Eggers, Fuchs, Gutsche, Himmelberger, Hurdle, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lee, Newman, Pattison, Rice, Steinbeisser, Vick, Walters, Wanzanried, Whitaker.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. Speaker in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**SB 494** - Representative Somerville moved **SB 494** be concurred in.

**SB 494** - Representative Gallik moved **SB 494**, second reading copy, be amended.

Representative Gallik moved consideration of **HB 494** be passed for the day. Motion carried.

Representative Sliter moved the committee rise. Motion carried. Committee arose. House resumed.

**MOTIONS**

Representative A. Peterson moved that **SB 231** be taken from the table in the Committee on Appropriations and rereferred to the Committee of the Whole.

Representative Sliter moved that **SB 231** be taken from the table in the Committee on Appropriations, printed and placed on second reading today.

Representatives A. Peterson and Sliter withdrew their motions on **SB 231**. Motion carried.

Representative Waddill moved that the House reconsider its action on **SB 220** and that it be placed on second reading today. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 47

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: Hedges, Kasten.

Total 2

**SPECIAL ORDERS OF THE DAY**

Legislative Memorial Service  
April 8, 2001

**MANSON HARVEY BAILEY, JR.**



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Manson Bailey, Jr. on July 5, 2000, in Glasgow, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Bailey be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Manson Bailey, passionate historian and three-term Representative, was born March 3, 1920, in Glasgow, a third generation Montanan. He was a 1938 graduate of Glasgow High School and later served the WW II effort as staff sergeant.

Manson and Betty Hansen Rushton began their life together August 7, 1946, in Great Falls and then moved to the three-room home they built on the Bailey family farm south of Glasgow. There they raised a son, Manson Bailey III, and three daughters, Mari, Tana Jean and Kim.

Manson Bailey was devoted to his community. He received the Silver Beaver Award in Boy Scouts and was a safety engineer during the construction of the second powerhouse at Fort Peck Dam. He was the recipient of an honorary Future Farmer Award and a Distinguished Jaycees Service Award. He was honored when he received the President's Award from the Montana Wildlife Federation.

Manson's perspective and passion for history served both his state and his community. He was proud to be Curator of the Valley County Pioneer Museum in Glasgow constructing dioramas and guiding visitors through a history of people and places. He was a trustee of the Montana Historical Society for ten years and former president of the Museum Association of Montana in 1975 and 1976.

Manson was regarded as a walking encyclopedia of history and is remembered for his tireless devotion as a museum volunteer and storyteller.

In addition to farm and ranch activities, Manson worked for the Montana Highway Department as a construction engineer and was an inspector for the B-52 Nose Dock construction at Glasgow Air Force Base. He was director of the Valley County Development Council for 20 years.

Manson Bailey was elected to the Montana House of Representatives in 1962 and served until 1970. He was the youngest individual ever appointed to the Montana Fish and Game Commission and served as chairman in 1955. He was also a member of the soil conservation district for many years.

Manson was an active member of the Church of Jesus Christ of Latter Day Saints serving twice as local branch president and former counselor to the district president.

**FRED O. BROEDER**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Fred O. Broeder on February 22, 2001.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Broeder be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Fred O. Broeder, timber specialist and Flathead County legislator, was born in St. Paul, Minnesota, January 2, 1918, to Fred and Alma Broeder. The Broeder family homesteaded in eastern Montana; then settled in the

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Flathead Valley in 1935.

Recognized for his knowledge of timber and sawmill operations, Fred began his career as a logger following graduation from Flathead County High School in 1936. He formed Broeder Lumber Company in Creston. When his brother Gordon joined the company in 1953, the name became Broeder Brothers Lumber Company which Fred managed until his retirement in 1972.

Fred married Hilda Yurman of Chester in 1941. Hilda preceded him in death. They are the parents of three daughters. In 1952, Fred married Ruth Crail. They are the parents of a daughter and a son.

An active member of many timber organizations, Fred was a partner in the Selkirk Spruce Lumber Mill in Golden, B.C. and after retirement, traveled to South America as a timber and sawmill consultant representing the Service Corp of Retired Executives.

Fred became a political legend in northwestern Montana for never campaigning for office. He represented Flathead County in the Montana House of Representatives for 14 years and was elected Speaker *pro tempore* by his legislative colleagues. He then served in the Senate for six years.

Fred was a 28-year member of the board of directors of Conrad National Bank and charter member of the Eastside Grange in Creston. He was instrumental in establishing the Creston Volunteer Fire Department.

Fred loved and cared for his family and was a proud supporter of his community and the wonderful state of Montana. He was widely regarded as a smart businessman and a fair employer, well known for his common roots and common sense. He was truly in touch with the people he represented.

He is survived by his wife, Ruth, daughters Debi, Joyce, Linda and Judith, son, Fred, seven grandchildren, five great-grandchildren and his brother Gordon and sister Fern Metcalf.

**JAMES H. BURNETT**

***WHEREAS,** it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of James H. Burnett on August 14, 2000, in Salt Lake City, Utah.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Mr. Burnett be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

James H. Burnett, rancher, accomplished pilot and Air Force Academy major, was born at the Burnett Ranch in Luther, July 1, 1917, to James M. and Eda Burnett.

He attended schools near Luther and then studied at Billings Polytechnic. In 1935, Jim started aviation training in Nebraska and began his life-long love of flying. He joined the Army Air Corps in 1942 and served in WWII until 1945. He remained in the Air Force Reserve as an air intelligence staff officer and continued flying until late in his life.

Jim married the former Alice "Betty" Boggio in Billings, December 12, 1941. They are the parents of three children, James Dwight, Joy Gunnells and Diane Jones.

Of his many contributions to the community and ranching, Jim's most unique accomplishment was the successful

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

cross-breeding of buffalo with Hereford cattle. Genetic scholars said he had accomplished the impossible that summer in 1965 when male buffalo 903 was born. This new breed, first known as cattalo and later called beefalo, introduced a new hybrid of cattle.

Jim served in the Montana House of Representatives from 1969 to 1982, non-consecutively, and in the Montana Senate from 1991 to 1998. He was particularly interested in human services legislation.

He was a member of the State and National Bison Association, Montana Stockgrowers, Farm Bureau, Eastern Star, VFW and Masons. Jim served on the board of Carbon County Memorial Hospital, Red Lodge High School and Luther Grade School. He was a director of the U.S. National Bank in Red Lodge for 40 years.

Jim Burnett was a leader in his community, his church and his state. He never relinquished his care and concern for the people of the Big Sky.

**EDWARD WILLIAM CHRISTIANSEN II**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Edward William Christiansen II on March 28, 2000, in Helena, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Christiansen be filed on the official records of this Assembly and the facts relative to his career are hereby noted:*

Edward William (Bill) Christiansen II, distinguished public servant, statesman and former Lieutenant Governor of Montana, was born in Fargo, North Dakota to Edward William Christiansen I and Mabel Cork, February 24, 1914.

He was a graduate of Fargo High School and North Dakota State University where he was an avid tennis and basketball player winning numerous tennis tournaments. He taught youth tennis and became a mentor to many children.

Bill married Hattie James, December 27, 1947, in Hardin. They are the parents of three children, Linda, Deborah and Edward William Christiansen III, Billy, who preceded his father in death.

He continued his devotion and many contributions to Montana youth when elected finance chairman of the Boy Scouts of America, president of Big Horn County Campfire Girls of America and president of the Hardin Youth Council. Bill also served as a chairman of the Big Horn County Senior Citizen's Association.

Bill Christiansen thus began his remarkable life of leadership in Montana.

He was elected to the House of Representatives in 1965 and was Democratic floor leader in 1971. He was a committeeman for Appropriations, Education, and Fish and Game and was elected to a term as Lieutenant Governor of Montana.

Representative Christiansen is remembered as the father of Montana's Coal Severance Tax and served on the Montana Coal Resources Research Council. During his tenure as a Representative, he introduced legislation establishing four-year certification for elementary teachers and protection for Native American handwork in Montana.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

His wise political bi-partisanship was recognized by his many national and local government appointments. He was selected to the White House Conference on Aging in 1971 and was selected Honorary State Chairman, Kennedy for President, in 1980. He served on the Environmental Quality Council and the Montana Crime Control Commission.

Western Broadcasting Company recognized Bill Christiansen as their Citizen of the Year in 1973. He received the JC Outstanding Citizen Award and numerous distinguished service awards including the Federal Executive Board of Distinguished Service in Government and the Toastmasters International Leadership Award.

Bill enjoyed hunting and fishing and was a member of the Elks Club. He continued playing golf until late in his life.

Edward William Christiansen II is well-remembered today by his fellow legislators as a revered Lieutenant Governor, statesman and Montana political leader.

**DOROTHY ANN CODY**

***WHEREAS,** it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Dorothy Ann Cody on May 28, 1999, in Wolf Point, Montana.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Mrs. Cody be filed on the official records of this Assembly and the following facts relative to her career are hereby noted:*

Dorothy Ann Cody was born November 22, 1935, in Springfield, Illinois, to Patrick and Martha McClernon.

She was recognized scholastically at Sacred Heart Academy for Girls in Springfield before moving with her family to San Diego. There she met her husband, Leo Cody, who was stationed in the Navy.

Leo Cody and Dorothy McClernon were married in the cathedral in Springfield, Illinois, on October 23, 1954, and later moved to Wolf Point where Leo was elected Sheriff of Roosevelt County. Dorothy and Leo are the parents of 11 children. One child died in infancy.

Dorothy held numerous jobs over the years. She mastered real estate school and became a licensed realtor with her own business in Roosevelt County.

In 1984, she ran as a Democrat for the Montana House of Representatives serving until 1993. Dorothy was fondly known as the "Mother of the House" because she would stand and lecture the body on lessons she had instilled in her ten children. Fellow Representative, John Cobb of Augusta, referred to her affectionately as the "boss" cow of the House.

She loved life with a hearty laugh that could be heard across the floor. If she considered you a friend (and most people were) she would greet you with a big hug. She taught us that a hug is a good thing not just reserved for family.

As a House member, Dorothy was privileged to serve on the powerful Appropriations Committee as well as the Agriculture and Highway Committees.

After retiring from the legislature, she served as Roosevelt County Assessor and County Commissioner.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Dorothy was a member of Immaculate Conception Church where her faith was an important aspect of her life. She was a member of the Elks Club, Montana Bar Association and Board of Realtors.

**BEN COHEN**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Ben Cohen on February 3, 2000, in Whitefish, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Cohen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Ben Cohen, Peace Corps worker, environmentalist, community leader and Representative, was born October 13, 1942, in Philadelphia, Pennsylvania. Ben was devoted to his parents, Diz & Jeanne Cohen, and his brothers, Martin, George and Howard.

As a child, he loved to walk in the woods, skate on the local pond and camp with his fellow Boy Scouts. He graduated from Central High School in Philadelphia and Penn State University, and later attended Sloan School at MIT. Ben applied his math skills in service to the Peace Corps in Nigeria and as a community organizer in Venezuela.

He married the former Connie Gregory in the spring of 1968 in an azalea garden in Philadelphia. While teaching at West Philadelphia High School, he earned a Master's Degree in Groups and Social Processes from Temple University and later taught this course at the University of Montana.

The Cohen family resided in Missoula and then Whitefish, where Ben worked for the US Forest Service as a wilderness guard and construction survey leader.

Ben entered politics out of regard for Montana water quality. An active Democratic precinct man for several years, he was the first representative ever elected in Whitefish when HD 80 was created. He served as Vice-Chairman of the House Taxation Committee and was respected for his ability to empower fellow legislators regardless of party affiliation. He worked hard to change the organization of the caucus, encouraging party members to foster cooperation and study.

Ben is remembered for his spirited service to the communities of Whitefish and Missoula. He initiated recycling and curbside recycling in the Flathead area as the owner of North Valley Refuse. He and his business partner and friend, Rich Hoffman, helped form a youth hockey league, and coached youth and adult soccer in the Flathead area. Ben volunteered to establish and coach the Flathead Moose Rugby Team. He was a frequent actor in Whitefish community theater productions.

Ben loved to ski and play rugby. He was an instructor for the Whitefish area Learn to Ski program and a former rugby coach at the University of Montana. He also helped organize and coach the Missoula rugby team, the Maggots.

Ben is remembered today for his political fair-mindedness and devotion to his community.

Ben and Connie are the parents of two children, Rachel and Isaac.

**MAX ROBERT CONOVER**

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Max R. Conover on April 14, 2000, in Broadview, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Conover be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Max R. Conover, Broadview farmer, rancher and Montana Senator, was the eldest of five children born to Robert and Carrie Conover, November 2, 1912, in Diamond, Washington.

The Conover family moved to Comanche where Max attended grade school. During his teenage years, the family moved to the Conover Ranch in Broadview where Max graduated from high school and began farming with his father.

Although he was employed at Occident Elevator in Billings and later managed General Mills elevator in Broadview, Max was happiest on the farm. He loved the land and was proud of the Conover farm.

Max and the former Luverne Sandbak, "Lovey," were married September 20, 1936, in Broadview. Max and Lovey moved to the Conover Ranch in 1947 where they raised their three daughters, Kay, Ann and Susan.

Max was elected as a Constitutional Convention delegate and helped craft the new Constitution in 1972.

He was elected to the Montana Senate in 1975 and during his tenure, served on Fish & Game and Agriculture Committees.

He was the chief sponsor of significant legislation including the first Family Farm Preservation Act, Montana Centennial License Plates and organ donor legislation.

Max was truly one of the friendliest people ever to serve in the legislature. You always knew where he was because he had a huge laugh that boomed through the hallways and chambers.

He liked to play a practical joke or two. More than once, I plunked down in my Senator's chair only to sit in a chair full of water.

He was a 50-year member of both the Order of Eastern Star and Rapelje Lodge No. 122. He was a charter member of the Broadview Lions Club, past president of the Montana Grain Growers Association and served on the county library board for 14 years. He was often a timekeeper at track meets and refereed ball games for 30 years.

I recall once he was walking awfully funny through the Senate hallway. I said, "Max, what on earth is wrong?" He said that he was itchin' to get home to get on his tractor so he was just practicing up.

Max enjoyed playing cards, shooting pool and bowling but his greatest love was the land and driving combines with his grandsons during harvest.

It's about springtime in heaven. My guess is Max is up there walking kinda bow-legged, getting ready to ride his tractor.

He was a true friend, a statesman, and we all miss his smile and kind heart.

**DANIEL DYKSTRA**

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

***WHEREAS,** it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Daniel Dykstra on March 25, 1999, in Orange, California.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Mr. Dykstra be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Daniel Dykstra, Helena native and Lewis & Clark County Representative, was born to Daniel and Pearl Dykstra, August 30, 1920, in Helena.

Dan attended Emerson and Central Grade Schools in Helena and was a 1938 graduate of Helena High School. He studied law for one year and received a B.S. degree from Montana State University and later graduated from Rutgers' University School of Banking.

Daniel and Lillian Neville were married May 5, 1944, in Helena and are the parents of a daughter, Kathryn and a son, Douglas. The Dykstras were married one month short of 55 years.

Dan was awarded a Purple Heart while serving in the U.S. Marine Corps and attained the rank of captain.

While serving in the South Pacific, he continued his love of sports as catcher for the Quantico Marines baseball team. He was offered a contract to play with the Yankees during this time but had to decline the offer because of the war injury to his arm.

Dan celebrated an extensive and successful 35-year career in Helena banking beginning as a messenger for the former Union Bank & Trust Company and then as Vice President and Trust Officer of Norwest Bank.

He served two terms in the Montana House of Representatives in 1961 and 1963 as Vice-Chairman of the Senate Business & Industry and Judiciary Committees. He was particularly interested in bank and trust legislation.

He pursued many civic activities in Helena as a member of the State Cancer Board, Deaconess School for Children, Florence Crittenton Home, Marine Toys for Tots, Lions Club, Montana Club and Green Meadow Country Club.

For nearly 50 years, Dan was the official Santa at Norwest Bank, and even after his retirement he faithfully worked one day a year as Santa. He was a devoted Grizzly booster and Alumni President organizing bus trips to football games that included opportunities for wagering and festivities.

Dan was a member of the First Baptist Church of Montana in Helena.

Dan retired from public service in 1980 to spend more time with his grandchildren Anna Marie, Krista, Theresa, Mary, Julianne, Alyssa, Stephanie and Daniel and great-grandchildren Nathan, Michael and Talon.

**MILLS FOLSOM**

***WHEREAS,** it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Irvin Mills Folsom on March 29, 2000 in Missoula, Montana.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Mr. Folsom be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Mills Folsom, Missoula businessman, former state Senator and East Rattlesnake rancher, was born January 28, 1919 in Helena to Roy and Ethel Vachierry Folsom of Wolf Creek. Mills was a student at Helena and Great Falls elementary schools.

He was a state champion wrestler and played on the state championship football team at Great Falls High School where he was an Eagle Scout and member of DeMolay.

He studied at Kinman Business College in Spokane, Washington where he met his wife, Helen Percy Cox. They were married April 2, 1938 in Coeur d 'Alene, Idaho and later resided in Missoula where they raised their children Zana, Roy, Helen and Cindy.

Mills was a Marine in the 1st Marine Division in the South Pacific during WWII. Following his return to Missoula, he re-entered business with his father, later owning and managing the Folsom Co., specialists in field irrigation systems. Mills Folsom and his family owned and operated the M/F ranch in the upper East Rattlesnake.

Mills made many contributions for the betterment of the Missoula community. He was a trustee of the Missoula County High School from 1964 to 1967 and served as chairman in 1966. He was a former director of the Missoula County Civil Defense and served on the Job Corps Community Relations Council.

Mills was active in the Navy League and belonged to the American Legion. He was a past president of both Hellgate Lions Club and the Missoula Chamber of Commerce. Mills was a former Boy Scout troop leader and a member of the Missoula Area Chamber of Commerce.

Mills Folsom was elected to the Montana Senate in 1967 and served until 1972. He chaired the Senate Fish & Game Committee and was a member of the Education Committee. He was particularly interested in small business and fish and game legislation.

In addition to his tenure as a Montana Senator, Mills was a State Republican Central Committeeman, and former chairman, and was appointed to the State Convention to Select National Delegates in 1976.

He enjoyed making rustic furniture prized by his family and friends and was an avid outdoorsman who hunted and fished throughout Montana.

Mills and Helen celebrated their post retirement years in the San Juan Islands and Spokane.

Mills was beloved by his family and known by his many friends. He was a member of Church of the Holy Spirit in Missoula.

**DONALD RAY FOSTER**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Donald Ray Foster on January 22, 2000, in Billings, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Foster be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Donald Ray Foster, Senator, pastoral minister and successful beekeeper, was born in Idaho on April 18, 1937, to Eva and Howard Foster. He attended elementary school in Montana and then California, and graduated from Colusa High School in 1954.



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Don continued his education at Stanford University where he pledged Alpha Sigma Phi and was a musician in the university marching band. He was President of the Methodist Wesley Foundation at Stanford and a member of the Class of 1958 Executive Committee.

Following two years of study at Stanford Medical School, he accepted a commission as an aviation physiologist in the U.S. Navy Medical Service Corps where he was a member of the Gemini and Apollo space research team.

Don married Rosalie Levitte of Lewistown on July 6, 1963. They resided in Lewistown for 22 years where they raised their five children and operated Foster's Honey Ranch, once one of Montana's largest honey-producing businesses. He was a past-vice president of the Mid-U.S. Honey Producers Association.

Donald Ray Foster represented Fergus County in the Montana Senate from 1975 to 1976 and was Chairman of the State Institutions Finance Subcommittee. He was a past-delegate to both the Democratic National Convention and the Montana Constitutional Convention.

Don served as a legislative assistant to former Congressman Pat Williams in Arlington, Virginia. After returning to Montana in 1989, he became an advisor and counselor for the St. Vincent De Paul Society. As pastoral minister of St. Pius X Catholic Church in 1997, he coordinated preparation for marriages and baptisms. He studied clinical pastoral education at this time and was devoted in his ministry to hospital patients and the homebound.

Don loved beekeeping, the San Francisco 49ers, and author, Henri Nouwen. He was a past-president of the Lewistown Rotary Club and also supported the Billings Clergy Association and Habitat for Humanity.

He is survived by his wife, Rosalie and his children Laura Gilsky of Hilger, Michael of Richmond, Virginia, Bryan of Louisville, Kentucky, MaeLynn of Evansville, Indiana, and Elisa Foster of Denver, Colorado.

**HELEN CHAFFIN JOHNSON**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Helen Chaffin Johnson on November 30, 2000, in Bozeman, Montana*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mrs. Johnson be filed on the official records of this Assembly and the following facts relative to her career are hereby noted:*

Helen Chaffin Johnson, Bozeman's "grande dame" of real estate and Republican politics, was born June 7, 1905, in Hamilton. She was raised by her sister and aunt following the death of her parents, Cerilla Wall and Baylum Siegel.

She graduated from Stevensville High School and received a degree in home economics from the University of Montana in Missoula.

Influential, generous, formidable and classic are words friends and colleagues use to describe Helen Johnson. She was a high school teacher, social worker and small business owner best known as one of Bozeman's highly regarded real estate agents selling property until her retirement at 90 years old. The Montana Board of Real Estate recognized her with their highest award for professionalism.

Helen Johnson served in the Montana House of Representatives in 1970 representing Park and Gallatin counties. She was a staunch Republican dedicated to helping other Republicans who sought her political advice and savvy. She served as precinct committeewoman, Central Committee Chairwoman and President of the Gallatin County

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Republican Women. She was a voting delegate to three Republican National Conventions and an Elector for the state of Montana.

Helen was a devout Christian who generously supported Eaglemount and the Salvation Army.

I first met Helen when we moved to Bozeman in early 1991. At that time, she was deeply involved as one of the founders of the Gallatin Valley Presbyterian Church. The church has continued to grow due, in large part, to Helen's active support and participation.

Helen was a warm and friendly lady who is sincerely missed by all her friends, associates, and fellow church members.

**GEORGE ROBERT JOHNSTON**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of George Robert Johnston on May 16, 2000, in Cut Bank, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Johnston be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

George Robert Johnston, engineer, farmer and six-term Montana Representative, was born July 16, 1912, to Dean and Bertha Johnson in Lansford, North Dakota. George worked on the family sheep ranch and assisted in management of their family-owned hotel in Cut Bank.

George graduated from Cut Bank High School in 1931 and was easily recognized by his ready smile and congenial nature. He worked his way through the Montana School of Mines, graduating as a civil engineer in 1939. He volunteered to serve the WWII effort but was placed at Boeing in Seattle instead because of his education. While at Boeing, George worked on B-17's and B-29's.

Later in his career, George was a geologist in the oilfield for A. B. Cobb and an engineer for Phillips Petroleum.

George and the former Mary Murphy were united in marriage in 1941 in Anaconda. They raised three children, Patricia, Judy and George Johnston, Jr. The Johnstons farmed for 30 years until George's retirement in 1978.

As a member of the House of Representatives, George was known for his sharp wit in floor debate. His thorough understanding of scientific and natural resource issues drew respect from fellow legislators. George was a partisan Democrat who was not afraid to speak his mind. He was most interested in Fish & Game and Smith River legislation.

George was a Glacier County surveyor and served one term as county commissioner.

Whenever time allowed, George loved to fly fish and hunt. He was a member of the Moose Lodge.

He is survived by his two brothers Lloyd Johnston of Tucson, Arizona, and Harold Johnston of Wenatchee, Washington, his grandchildren Jan, Greg, David, Nathan, Meghan, Shauna and Steve.

**LADA JAMES KAFKA**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of*

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

*the State of Montana record the passing of Lada James Kafka on September 13, 2000, in Havre, Montana.*

**WHEREAS**, *it is fitting and proper that the record and accomplishments of the late Mr. Kafka be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Lada James Kafka, Hill County legislator and farmer, was born August 23, 1922, on the family homestead near Fort Assiniboine to Czechoslovakian immigrants George and Josefa Kafka.

He attended a country school walking three miles uphill each day. He graduated from Havre High School in 1939 and continued to study at Northern Montana College until his father's death urged his return to farming.

Lada married Hinsdale elementary teacher Sylvia Sara Schafer on June 7, 1944, in Chester. They are the parents of three children, a son, Kim, and daughters Ladene, Deitra and Dorcie.

For a brief period of time, Lada was employed with the Agricultural Stabilization and Conservation Services but spent most of his life as a grain and livestock rancher.

Lada Kafka, Hill County Democratic Senator, served in the Montana legislature in 1965 as Vice-chairman of the Journal Committee and was a member of the Agriculture, Commerce, Labor and Taxation committees. The following session, he chaired the Public Lands and Journal committees and was committeeman of Taxation, Agriculture, Commerce and Labor committees.

The Kafkas enjoyed international travel to New Zealand, Australia and the Czech Republic for nearly 20 years. Lada sponsored several visits to Montana for his relatives from Czechoslovakia. During winter months, the Kafkas resided in Sun City, Arizona, where they visited Lada's brother, George.

Lada and Sylvia Kafka have 11 grandchildren, one great-grandson, several nieces and nephews and a sister, May.

The ashes of Lada and his brother, George, his mother and uncle, were recently scattered in the sanctuary where Lada often meditated...on eagle's wings, Senator Lada James Kafka.

**WALTER LAAS**

**WHEREAS**, *it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Walter Laas on August 22, 2000, in Chester, Montana.*

**WHEREAS**, *it is fitting and proper that the record and accomplishments of the late Mr. Laas be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Walter Laas, construction businessman who was best known for introducing the \$5 speeding ticket, was born on the family homestead northwest of Chester to Nickolas Laas and Lisa Kerbes, emigrants from Estonia.

He attended Trommer Country School and was a 1935 graduate of Chester High School. Walt received his teaching certificate from Northern Montana College in Havre although he chose to return to farming with his father instead.

During the Depression, Walt began his business career buying animal hides from local ranchers and selling used tires to area farmers. With his profits, he purchased land in 1942 near the family farm. He later managed both the Laas Bar in Chester and his business, Laas Construction.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

As a contractor and road builder, Walt was involved in numerous state construction projects including road work at Swan Lake, Thompson Falls, Yaak River and Lake Elwell. He had a natural ability to accurately assess a construction project without the aid of a pencil, paper or calculator. Engineers often marveled at this special gift.

While campaigning door-to-door, Walt met his wife, Lila. They were married June 17, 1939, in Great Falls and are the parents of three children, Jim, Darlene and Trudy.

He served eight terms in the Montana House of Representatives beginning in 1949 and rose to speaker *pro tempore*. In response to federal government demand to conserve energy, Representative Walter Laas introduced legislation that imposed a \$5 state fuel-consumption fee on speeders. He is remembered as one of the committee who welcomed President Harry Truman to Montana in 1950.

After leaving state office, Walt was elected mayor of Chester in 1975.

Walt was always community-minded. He was a charter member of the Chester Lions Club and past chairman of the Chester School Board. His other memberships included the Shelby Elks, Moose and Eagles Lodges. He was a parishioner at Our Savior's Lutheran Church in Chester.

Walt enjoyed stamp and coin collecting and playing pinochle. He was a devoted fan of the Denver Broncos.

**GLENN H. LARSON**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Glenn H. Larson on November 17, 1999.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Larson be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Glenn H. Larson, Senator and former chairman of "Montana's Little Hoover Commission," was born in Sprague, Washington, April 27, 1911, and raised in Heron.

He received an economics degree from UCLA in 1933 and one year later, he became the Sanders County Deputy Clerk and Recorder and bookkeeper for First State Bank in Thompson Falls. He rose to president of the bank and remained president until his retirement in 1976.

Sixty-two years ago, Glen met his wife, Marie. They were married September 17, 1938, in Spokane, Washington.

His distinguished life of service is recognized in his numerous chairman positions.

Elected to the Montana Senate in 1943, Glenn began his political career at the young age of 27. He served as chairman of the first legislative interim committee known as "Montana's Little Hoover Commission," established by President Herbert Hoover to check government efficiency at state levels.

Glenn was the Senate Majority Leader during five of his Senate terms. He led Montana's delegation to the Republican National Convention held in San Francisco in 1956. He served as chairman of the seven-state commission from 1958 to 1961.

In 1962, he served as chairman of the Columbia Interstate Compact Commission and from 1965 to 1970, Glenn was elected chairman of the Federal Reserve Board of the Western States.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Throughout his career and distinguished service to Montana, Glenn never forgot his roots. He was always charitable to the Heron Community Center and was very active in educational programs including scholarships foundations.

He and Marie loved to travel and enjoyed golf.

Glenn was the beloved husband of Marie, father of Glenda and grandfather of Stacy.

**CONRAD FREDERICK LUNDGREN**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Conrad Lundgren on May 22, 2000 ,in Kalispell, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Lundgren be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Conrad "Con" Lundgren was born to Dan and Marie Lundgren on August 31, 1915, in Bottineau, North Dakota.

Con graduated from Sweetgrass High School and worked his way through Montana School of Mines in Butte where he received a B.S. degree in geological engineering. Prior to serving in WW II, Con was employed in geology positions in the mining industry.

He served in the Army Air Corps in WW II achieving the rank of captain. Following service in the war, Con returned to the geology profession.

He married Betty Gibb in West Glacier in 1946. She preceded him in death in 1951.

During this time, Con became a partner with his brothers in the West Glacier Tourism Business, which also had facilities in Kalispell.

Con married Jean M. McConochie in May 1955 and became the father of her two children, Gail and Robert. Jean preceded Con in death in 1982.

Conrad Lundgren was first a director, and later chairman, of Flathead Electric Cooperative. He was the only Montana board member to serve on the Pacific Power and Light Board in Washington state from 1964 to 1986.

Con was an achiever and natural leader. He was elected to the House of Representatives in 1961 and served until 1964, then re-elected in 1966 serving through 1974 when he was elected speaker *pro tempore* by his colleagues. He was interested in taxation legislation throughout his legislative sessions and was named a Paul Harris Fellow three times for his work in the legislature.

Con was an avid outdoorsman who especially enjoyed hiking, goose hunting and skiing. It is fitting that he was assigned as the first chairman of the House Committee on Natural Resources.

Con was a longtime member of the Elks, Shriners, Masons and Lions Clubs. He was a member of Bethlehem Lutheran Church in Kalispell.

Con was characterized by his industrious nature, hearty goodwill and ability to bring out the very best in everyone. He rose steadily in life always supported by his family and many friends. He was an uncommon, common man.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**WILLIAM RAYNOR MACKAY, SR.**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of William Raynor Mackay on December 6, 1999, in Columbus, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Mackay be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

William Raynor Mackay, Sr., rancher, senator, musician and arts patron, was born November 12, 1911, in Tenafly, New Jersey. The Mackay family moved west to Montana in 1901. They homesteaded on Morris Creek near Roscoe where they began their ranching legacy at the Lazy E-L Ranch.

Bill took over family ranch operations from his father, Malcolm Mackay, in 1935. Several years later on January 8, 1937, he married Joyce Childs in Englewood, New Jersey. Bill and Joyce returned to the Lazy E-L where they lived for over 60 years and raised their three children, Julie, Helen and Bill, Jr. Father and son became ranch partners in 1972; a partnership that lasted 20 years.

His love of agriculture and ranching started his life-long community and political service to Montana. Bill served as two-term president and board member of the Montana Stockgrowers Association and volunteered on many boards of directors including the Roscoe School Board, Rocky Mountain College, and Carbon County Memorial Hospital Board. He was a former board member of the National Cowboy Hall of Fame.

During his terms as both a Montana Representative, 1951 to 1953, and Senator, 1953 to 1972, Bill was a member of the Commission on the Reorganization of State Government and the Legislative Audit Committee.

Make no mistake about it; Bill Mackay, Sr. was a Republican. A partisan he was not. In the days before reapportionment, he was the Senator from Carbon County. He was a member, and former chairman, of the Legislative Council and a Republican National Committeeman as well as State Chairman of the Republican Party.

William Raynor Mackay, Sr. loved music and the arts. He was a versatile and accomplished pianist who performed both classical and Dixieland Jazz, his greatest love. He played often at the Lazy E-L or a community party surrounded by family and friends.

Bill Mackay, Sr. was an honored trustee of the Montana Historical Society. His parents, Joyce and Malcolm Mackay, amassed the Mackay Collection of C. M. Russell art which comprises the bulk of the Montana Historical Society's permanent collection. Bill and his brother, Bud, continued the preservation of Russell's prominence in Montana. Bill's wife, Joyce, is a renowned artist in her own right, continuing the family tradition of devotion to the arts.

He is remembered by the Montana Historical Society as a thoughtful, devoted patron of the arts. He supported the Billings Symphony and the Red Lodge Music Festival.

Bill Mackay, Sr. and his ranch were one and the same. He was a cowboy's cowboy as well as a Senator's Senator and his fierce devotion to the clean air, sparkling waters and unparalleled vistas of the E-L on the flanks of the Beartooth Mountains are noteworthy.

Bill Mackay, Sr. embodied the finest traditions of the Senate. A true gentleman and a gentle man, his word was his bond. His membership in the Early Times Club was probably more related to serious senatorial socializing than a passing, simple academic interest in pioneers.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

One of the last times I was on the E-L for fall cattle gathering, I was staying in one of the cabins on the ranch and noticed a familiar C. M. Russell brand on the mantel of the fireplace. When I asked if that was the Charlie Russell, Bill said, "Why, yes." Charlie had stayed in the cabin when he came to the E-L.

The past was as alive to him as that day's work on horseback. That's why he and his family's deep commitment to Montana, its history and its arts, was as natural to him as riding a good saddle horse. Think of the value we now enjoy as a result of that commitment. And celebrate his many contributions to our state and the Montana Senate.

**CHARLES REX MANUEL**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Charles Rex Manuel on June 5, 2000, in Great Falls, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Manuel be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Charles Rex Manuel, farmer, eight-term Representative and Fairfield mayor, was born June 11, 1930, in Lewistown, Montana, to Archie and Minnie Manuel.

Rex attended school in Fairfield and married Jeannine DePratu, October 3, 1948. The Manuels are the parents of five children, Vickie, Barbara, Jane, Michael and Robert who preceded his father in death. Rex and Jeannine have 12 grandchildren and six great-grandchildren.

Early in his life as a Fairfield farmer, Rex was recognized as Outstanding Farmer of the Year. Throughout his life, he worked closely as a volunteer for the Agriculture Museum in Fort Benton.

Rex Manuel was elected to the House of Representatives in 1973, his first bid for public office, and was known for his dedication to his constituents over party affiliation. Rex voted his conscience and what he believed was right, Republican or Democrat.

He chaired the House Fish & Game Committee throughout his legislative tenure and was a longstanding member of the House Appropriations Committee. In 1981, he was elected speaker *pro tempore* by his colleagues and served as Chairman of the Legislative Council in 1983. Rex was a lobbyist during the past several sessions.

Rex was an outstanding and varied Montana public servant. He was appointed to the Montana Board of Crime Control and selected by then-Gov. Stan Stephens to the Public Service Commission serving a six-month term. Rex was past-chairman of the Agriculture and Stabilization Commission for Teton County.

He was active in St. Paul's Lutheran Church serving many years on the church council and teaching Sunday School. He was a Lions Club member for 39 years and served as District Governor in 1990.

Rex Manuel is remembered by his fellow Representative Francis Bardanouve of Harlem as a good person, an honest man and a devoted family man.

**CHARLES GORDON MCGOWAN**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Charles Gordon McGowan on May 26, 1999, in Great Falls, Montana.*

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. McGowan be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Charles Gordon McGowan, conservation steward, rancher and Senator, was born September 5, 1911, on a Highwood-area ranch to Frank and Theresa McGowan. He graduated from high school in 1930 and married Lila K. Ahrendes in Fort Benton in 1934.

Charles is recognized today for his lifetime of devotion to developing, and supporting, programs for the protection of Montana's greatest resource; its surface and ground waters.

His distinguished life of stewardship began with an appointment to the Montana Soil Conservation Committee in 1943. Charles organized a Chouteau County soil district and was a past-president of the Montana Association of Soil Conservation Districts. He was a member of the board of directors of the National Soil and Water District Association.

Charles was elected to the Montana Senate in 1954 representing Chouteau, Judith, Basin, Liberty and Hill counties. Senator McGowan was Chairman of the Water and Irrigation and Natural Resources committees and was considered one of the state's most knowledgeable water law experts. He was a member of Senate Taxation, Judiciary, Highway and Business and Industry committees and served on the Legislative Council.

Charles was considered one of Montana's most knowledgeable water law experts. The Upper Missouri Water Users Association recognized his 35 years of service promoting wise use of Montana's land and water. He was named to Who's Who of American Association of Conservation Districts and received the Arrowhead Award for outstanding service to Extension Service programs.

Charles was appointed to the advisory council for Montana State College and served for 35 years assisting students with post-graduation jobs and sponsoring pages at the legislature. He was active in the Highwood Commercial Club, Montana Stockgrowers Association, Cattleman's Association, and 4-H.

Charles and Lila are the parents of three children, Duane, Sharon and Kathleen, eight grandchildren and nine great-grandchildren.

**JOHN R. (JACK) MCNAMARA**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of John R. (Jack) McNamara on April 19, 1999, in Helena, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. McNamara be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

John R. (Jack) McNamara, Helena postmaster and two-term Representative, was born in Helena, September 30, 1913, to John McNamara and Katherine Flavin McNamara. Jack was raised in the Helena area where he attended grade school and high school and subsequently graduated from Helena Business College.

Jack was proud to be Irish and proud to be a Democrat. His lifetime of service to the Helena community was diversified and extensive.

He was an accountant for 18 years at the Asarco Smelter before becoming an instructor in the Army Tank Destroyer Corps. He achieved the rank of major in the Army Reserve and retired in 1966. Jack returned to his



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

accounting position at Asarco following the war and later opened his insurance agency, McNamara Agency. Under the Johnson administration, Jack was appointed postmaster of the Helena Post Office and served for 17 years.

Jack and Mary Ann Cooney of Harlowton were married March 22, 1943, in Helena where they made their home for 58 years. They are the parents of two daughters, Susan and Betsey.

Representative Jack McNamara was very proud of the two terms he served in the legislature as a Representative of Lewis and Clark County. He was particularly interested in legislation regarding education, tax reduction, the Coal Tax Trust Fund and pay increases for public employees. He was president of the Helena Federal Community Credit Union for 20 years during this time.

Jack was a devout Notre Dame supporter since his childhood. Wearing his Notre Dame hat, he would watch every football game from his living room chair if he couldn't attend in person. If the Fighting Irish were losing, he would put on his Notre Dame jacket to lend additional support.

Jack was a life member of the Knights of Columbus and Eagles, the Montana Club and Green Meadow Country Club. He was a member of the Parish Council and worshiped at the Catholic Church.

Jack was devoted to his two daughters, six grandchildren and nine great-grandchildren.

**AMBROSE G. MEASURE**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Ambrose G. Measure on December 8, 2000, in Kalispell, Montana.*

***WHEREAS** it is fitting and proper that the record and accomplishments of the late Mr. Measure be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Ambrose G. Measure, attorney and Representative is remembered for establishing the Flathead Electric Cooperative. He was born to John and Kathryn Measure on December 6, 1908, in the town of Little Falls, Minnesota.

He graduated from Flathead County High School and attended Carroll College and the University of Minnesota. He received his law degree from the University of Montana in June 1935. Ambrose was 92 years old at the time of his death, Montana's oldest practicing attorney.

He married Laura Jo Forhan on August 12, 1940, in Kalispell where they raised their four children, Loraine, Susanne, Edward, and Bruce who is his law partner and who was also a Montana State Representative.

Ambrose Measure is recognized today for his foresight and efforts in making electricity and communications available throughout the Flathead Valley.

During the Roosevelt administration, Ambrose traveled to Washington D.C. to develop administrative rules for implementing the Rural Electrification Act. He returned to Kalispell where he continued these efforts and started his law practice of 65 years. Ambrose was also a lobbyist for Hungry Horse Dam, Bureau of Reclamation, and was affiliated with Mission Valley Power.

He served as in-house counsel for Flathead and Lincoln County Electric Cooperative established in 1938. A

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

memorial service held in Kalispell in April 2001 recognized his many diverse contributions to communications and electricity in the Flathead Valley.

Ambrose was elected as the Flathead County Attorney in 1948 and served in that capacity until 1952. This was during the construction of the Hungry Horse Dam.

Ambrose served in the Montana House of Representatives from 1937 to 1938 as a member of the Appropriations, Judiciary, Health, Railroad and Transportation committees. Ambrose was a strong proponent of a unicameral legislature and smaller state government. During the session, he stayed in quarters at the Montana Club in Helena and walked daily to the Capitol.

Out of his love for the outdoors, especially the Flathead region, Ambrose organized the Glacier National Park's Over-the-Hill-Gang Hiking Club in the 1950's and they are still going strong today. The Gang meets every Thursday to climb the peaks of Glacier or ski the slopes of Big Mountain. Most of the members are over 60 years young and leaders of the community.

Ambrose was a former Lt. Gov. of Kiwanis and Exalted Ruler for the Elks Club, and was a member of St. Matthew's Catholic Church in Kalispell.

He is remembered for his depth of character both intimidating and inquisitive and his gentle nature and conviction regarding the common person.

**O. GEORGE OMMUNDSEN**

***WHEREAS,** it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of O. George Ommundsen on April 28, 2000, in Livingston, Montana.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Mr. Ommundsen be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:*

George Ommundsen, former mayor of Livingston, farmer and State Representative, was born in Livingston, September 7, 1913, to Ommund and Melene Ommundsen. He grew up on the family homestead near Shorthill Cemetery. He was a student at Mill Creek Flat School, the Jardine Grade School in Park County, and finished high school in Great Falls.

George married the former Hilma L. Webster, June 1, 1939, in Park County where they raised their four daughters, Norma Busby, Janet Habenicht, Gail McCormick and Susan Bidwell.

George worked for Northern Pacific Railroad as an electrician beginning in 1941, and helped establish the Montana chapter of the International Brotherhood of Electrical Workers before retiring from Burlington Northern Railroad. He was also a gold assayer in Jardine (near Yellowstone National Park).

George was a devoted public servant to both local and state government for 35 years. He was a Livingston city councilman, and city mayor for three terms. He was elected to the House of Representatives 40<sup>th</sup> Legislative Session in 1967 as a Representative from Park County and was most interested in city and county Republican affairs.

Representative Ommundsen was a member of the Towns and Cities Committee, Research and Resources Committee and Townships and Counties Committee and was the sponsor of legislation requiring city councils to

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

purchase surety bonds for city officers and employees. He successfully increased the gas tax with monies directed to city and county road work projects.

George was a member, and volunteer, of many organizations in Park County including the Grace United Methodist Church, Park County Pioneers Society, Park County Museum and the Park County Senior Citizens Association. He was a Mason, belonged to the Sons of Norway, and also volunteered at the Park County Historical Society.

He was especially proud to have been selected as an extra in the Robert Redford movie, "A River Runs Through It," playing the part of a county fair judge.

George is survived by his wife, Hilma, his four daughters, Norma, Janet, Susan and Gail, his sister, Jane Williams of Livingston, five grandchildren and three great-grandchildren.

**PATRICK L. RYAN**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Patrick L. Ryan on January 24, 2000, in Great Falls, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Ryan be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Patrick L. Ryan, former legislator and Cascade County Commissioner, was born May 15, 1928, in Great Falls. He is remembered as a feisty, Irish-American known for his honest and diligent work in both the Montana House of Representatives and Montana Senate.

An ace basketball player at St. Mary's Catholic High School in Great Falls, Pat attended college at Montana State University, Bozeman, and later received a degree in technology and personnel management from the National University of San Diego in 1972.

He married Shirley Mabel Smith, August 18, 1951, at St. Ann's Cathedral in Great Falls. The Ryans are the parents of Patricia, Kelly, Barbara, Brennan, Bridget and a daughter, Bernadette, who preceded Pat in death.

Pat was a U.S. Navy chief warrant officer and served in WW II, Korea and Viet Nam until his retirement in 1974. He returned to Great Falls following the war and worked briefly as a city firefighter before becoming a state probation and parole officer.

He was elected to the Montana House of Representatives in 1976 and then served in the Senate in 1978. Senator Ryan worked tirelessly on legislation to construct new facilities at the Montana School for the Deaf and Blind.

Pat sought to overcome inefficiencies in government and often referred to himself as "very businesslike." As a Cascade County Commissioner from 1983 to 1989, he initiated extensive renovation of the historic Cascade County Courthouse.

He was a member of the Disabled American Veterans and the American Legion and is remembered by his many friends for his keen sense of humor. He was an avid fisherman.

Patrick Ryan was dedicated to his family, his faith, and his country.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**ELMER "BUD" SEVERSON**

***WHEREAS,** it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Elmer "Bud" Severson July 19, 1999 in Stevensville, Montana.*

***WHEREAS,** it is fitting and proper that the record and accomplishments of the late Mr. Severson be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Elmer "Bud" Severson, legislator, stockman and Bitterroot Valley rancher, was born in 1922 in Minnesota to Sam and Lena Severson of Anoka.

The Severson family moved west to Billings when Bud was six months old. He attended schools in Worden and raised sheep, beef and dairy cattle and registered pigs on the Severson ranch.

His love of agriculture earned him the prestigious FFA award, the American Farm Degree. Later, on the The Flying E Ranch, he raised polled Herefords, Angus, Charolais and Maine Anjou cattle.

A true patriot devoted to his country, he enlisted in the Army Air Corps in 1943 and was a trained bombardier stationed in England where he flew the "flying fortresses," B-17's. While he was a prisoner in the German camp, Stalag Luft 3, he designed his brand, "The Flying E," as he watched the night skies light up from bombing.

In 1946, Elmer married Emma Logan. They lived at their Burnt Fork-area ranch east of Stevensville where they raised their children Dan, Gen, Ross David, Marcia and Michael. They later divorced, and Elmer remarried Bearnice Prather.

He was a founding member and first president of the Montana Dairy Association and helped establish the Bitterroot Grade A Dairy Association. In addition to ranching, Bud sold Allis Chalmers tractors and equipment throughout the Bitterroot Valley for 20 years.

Elmer believed individuals could make a difference. He was elected to the Montana House of Representatives in 1977 and then served in the Senate from 1979 through 1990. He was known for his expertise in taxation, agricultural issues and water rights adjudication. He received praise for his efforts to secure the historic Marcus Daly Mansion and adjoining estate.

Elmer was well-known for his harmonica tunes. He played often at family gatherings or on pack trips riding into the mountains he so loved. If he didn't know the words to a song, he could fill in the bars with a bit of humming or a riff on his harmonica. The Montana Legislature has often closed its sessions with a few bars of "Elmer's Tune."

Elmer was a volunteer for the Stevensville Rural Fire Department and instrumental in developing the Burnt Fork Water Commission. He was a founder of the Stevensville Boxing Club and a member of the American Legion and Masons.

Elmer was a skilled horseman devoted to the care of his horses. He often said, "If you can't ride a horse there, why would you want to go?"

Elmer was a member of the St. Mary's Saddle Club and supported FFA and 4-H throughout his life.

He was my good friend and mentor, Elmer Severson.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

**WESLEY FRANCIS TEAGUE**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Wesley F. Teague on December 10, 1999, in Great Falls, Montana.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Teague be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:*

Wesley "Wes" Teague, school counselor, coach, psychologist and businessman, was born the first day of January, 1940, to Bruce and Margaret Teague of Great Falls.

Enterprising and earnest in his devotion to young people, Wes embarked on a life of service and achievement. He was educated at both the College of Great Falls where he received a Bachelor's Degree in Business Administration and Education and Eastern Montana College where he received a Master's Degree in Guidance and Counseling.

Wes is remembered for his many contributions to young people in schools in Billings, Troy and Redfield, South Dakota, as a school counselor, instructor, coach and assistant administrator. He was also a counselor and instructor at Boys' State and guest lecturer and substitute teacher at Eastern and Rocky Mountain Colleges in Billings.

Wes was a Billings businessman and owner of the Coco Club and Silver Dollar Lounge. Following the sale of his tavern, he returned to Great Falls where he cared for his large family in various ways including home care.

Wes represented Billings HD 69 in the House of Representatives from 1975 to 1982 and was recognized during this time in Who's Who Among Young Men in Politics. He was a Boys' State instructor and counselor as well as a state seminar lecturer for McGraw-Hill Publishing Company.

Wes gave fully of himself to his community. He was a Great Falls community counselor, Cascade County Restitution Officer and volunteer at the Billings Crisis Center. He enjoyed, and participated fully, in activities of the Knights of Columbus and Elks Club.

Wes constantly had a smile on his face and a twinkle in his eye. He had a unique sense of humor and loved playing pranks on people. This enterprising individual washed dishes in a local establishment part-time while serving in the legislature and often referred to his need to supplement his legislative salary.

He loved 50's music, the Green Bay Packers and the University of Montana football teams.

I do not say goodbye today but wish him farewell.

**ELEANOR L. VAUGHN**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh legislative Assembly of the State of Montana record the passing of Eleanor Vaughn on April 6, 2000, in Spokane, Washington.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mrs. Vaughn be filed on the official records of this Assembly and the following facts relative to her career are hereby noted:*

Eleanor L. Vaughn, former Lincoln County Clerk and Recorder and state legislator, was born in Troy, Idaho, on November 12, 1922, to Carl and Annie Sanderson Grandlund. She graduated from Troy High School in 1940.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

Eleanor attended Kinman School of Business in Spokane before marrying Ben Vaughn in 1942. The Vaughns moved to Libby where they raised their three children Jan, Ben and Jerry.

It seemed as though Eleanor knew everyone in Libby and Lincoln County. She served as Clerk and Recorder for 17 years and was so well-liked that when she decided to run for the Senate in 1986, it was an easy victory. She was the kind of person who could talk to anyone as if she had known them forever.

Eleanor was a true public servant, conscientious in her approach to her duties as a Senator. She was always meticulously prepared for presentation of the bills she carried on the Senate floor.

She was gentle in her demeanor and gracious to fellow legislators, staff and every citizen who came to testify before the State Administration Committee which she so capably chaired.

Eleanor's focus was always Libby and its people. She led local government efforts regarding forestry issues and was presented an award from the U.S. Department of Agriculture in recognition of her many efforts.

She was active in Libby's civic life and served on many boards including the Libby Women's Club, the Democratic Central Committee, the Libby Senior Citizens Center and the Veterans of Foreign Wars Auxiliary where she was a life member. She was named Libby Senior Citizen of the Year in 1995 and was president of the state Clerk and Recorders' Association.

Eleanor was elected to the Senate twice, in 1986 and again in 1990. As a Senator, she was instrumental in the development and completion of the National Guard Armory building project in Libby.

She was a long-time member of the United Methodist Church where services were conducted before an overflow gathering.

Eleanor was truly one of Libby's finest citizens. Libby is a better place for her presence in the community.

**NORMAN E. WALLIN**

***WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Norman E. Wallin on March 5, 2001, in Chandler, Arizona.*

***WHEREAS**, it is fitting and proper that the record and accomplishments of the late Mr. Wallin be filed on the official records of this assembly and the following facts relative to his career are hereby noted:*

Norman E. Wallin, owner of Bozeman Ford for three decades, is remembered today as a gracious gentleman and seven-term Montana Representative.

He was born on a farm north of Walum, North Dakota, October 4, 1914, to Eric and Cora Wallin. The family later moved to the small farming community of Steele, North Dakota where Norm attended school and was a clarinetist in the band.

He attended the Lutheran liberal arts school, Concordia College, in Moorhead, Minnesota, and continued his love of music as a member of the concert band woodwind section. Their concert tour of Scandinavian countries sparked his love of travel. Norm and his wife, Clarice, later enjoyed traveling to over 42 countries visiting several locations more than once.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 9, 2001

He graduated from Concordia College in 1936 and although it had been his intent to pursue a teaching career, he decided instead to hone his business skills and work for Commercial Credit.

At the onset of WWII, Norm joined the Navy Officers Training Program and served on an amphibious assault boat in the South Pacific theater.

Following the war, he and his college friend, Sterling Rygg, began searching for a car dealership and soon purchased the Ford Agency, Glacier Motors, in Whitefish. Later, in 1954, Norm purchased Lundgren Ford in Bozeman which his son David bought in 1986. Norm was nationally recognized by Time Magazine as the recipient of their Dealer Award in 1973; the best in Montana.

He registered for the legislative race ten minutes before deadline at the urging of fellow Republicans and served seven terms in the Montana House of Representatives as a member of the Local Government and Business and Industry committees. He consistently supported Montana State University and funding for higher education.

He was a member of the 1988 National Republican Platform Committee in New Orleans.

Norm is remembered for his honesty, integrity, and loyalty in all endeavors. He and Clarice are the parents of David and Eileen. He thoroughly enjoyed his grandchildren giving them a special place of prominence at all times.

Norm was an active and faithful member and Sunday School Superintendent of Hope Lutheran Church in Bozeman. He was a loyal Kiwanian, Red Cross board member and avid spectator sports fan.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 10:00 a.m., Tuesday, April 10, 2001. Motion carried.

House adjourned at 6:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
April 10, 2001

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative McCann. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/10/2001  
Correctly printed: **SB 505, SB 512.**  
Correctly engrossed: **HB 46, HB 73, HB 129, HB 162, HB 240, HB 258, HB 264, HB 280, HB 281, HB 303, HB 317, HB 346, HB 350, HB 483, HB 501, HB 506, HB 508, HB 510, HB 519, HB 521.**  
Correctly enrolled: **HB 8, HB 247, HB 447, HB 608, HB 642, HB 650, HJR 38.**  
Examined by the sponsor and found to be correct: **HB 8, HB 247, HB 447, HB 608, HB 642, HB 650, HJR 38.**  
Delivered to the Governor for approval at 11:30 a.m., April 10, 2001: **HB 377.**  
Delivered to the Secretary of State at 12:00 p.m., April 10, 2001: **HJR 27.**

**NATURAL RESOURCES** (Younkin, Chairman): 4/10/2001  
**HJR 42**, introduced joint resolution, be amended as follows:

1. Page 1, line 10.  
**Strike:** line 10

And, as amended, be adopted. Report adopted.

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 142  
Report No. 1, April 6, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 142**, met April 6, 2001 and considered:

1. Senate Committee on Fish and Game amendments to the third reading copy, dated March 9, 2001.

We recommend that **House Bill 142** (reference copy – salmon) be amended as follows:

1. Page 2, line 26.  
**Following:** "PURPOSE OF"  
**Insert:** "improving the hunting experience, considering fair chase principles, and"  
**Following:** "PROVIDING FOR"  
**Strike:** "ETHICAL AND"



HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

2. Page 4, line 14.

**Following:** "PURPOSE OF"

**Insert:** "improving the hunting experience, considering fair chase principles, and"

**Following:** "PROVIDING FOR"

**Strike:** "ETHICAL AND"

For the House:

Somerville, Chairman  
P. Clark

For the Senate:

Berry, Chairman  
Doherty  
Wells

FREE CONFERENCE COMMITTEE  
on House Bill 473  
Report No. 1, April 6, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 473**, met April 6, 2001, and considered:

1. Senate Committee on Natural Resources amendments to the third reading copy, dated March 17, 2001; and
2. Senate Committee of the Whole amendment to the second house, second reading copy, dated March 20, 2001.

And, recommend that **House Bill 473** (reference copy – salmon) be amended as follows:

1. Title, line 6.

**Following:** "THAT"

**Insert:** "CERTAIN"

2. Page 3, line 23 through line 25.

**Following:** "on"

**Strike:** remainder of line 23 through line 25

**Insert:** "this chapter."

3. Page 3, line 30 through page 4, line 2.

**Following:** "MEASURES"

**Strike:** remainder of line 30 through "MEASURES" on page 4, line 2

**Insert:** "that"

4. Page 4.

**Strike:** line 4

**Insert:** "(c) Proposed actions for which the agency is the project sponsor may be modified by the agency only to comply with a statute or regulation based on the information resulting from an environmental review of the action."

For the House:

Younkin, Chairman

For the Senate:

Crismore, Chairman

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Mood

Roush  
Thomas

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 135  
Report No. 1, April 9, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 135** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 135** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Johnson, Chairman  
O'Neil  
Waterman

For the House:

Lewis, Chairman  
Esp  
Schmidt

FREE CONFERENCE COMMITTEE  
on Senate Bill 185  
Report No. 1, April 9, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 185** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 185** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 8 through line 9.

**Strike:** the second "CLARIFYING" on line 8 through "EMPLOYERS;" on line 9

2. Page 5, line 6.

**Strike:** "the entrances"

**Insert:** "any entrance"

**Strike:** "polling place or"

**Following:** "building"

**Insert:** "in which the polling place is located"

3. Page 5, line 17.

**Strike:** "-- definitions"

4. Page 6, line 1.

**Strike:** line 1 in its entirety

**Renumber:** subsequent subsections

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

5. Page 6, line 4.

**Strike:** "An" through ":"

6. Page 6, line 5.

**Strike:** "public officer or"

7. Page 6, line 13 through line 22.

**Strike:** line 13 through line 22 in their entirety

8. Page 7, line 26.

**Following:** "37"

**Insert:** "35"

9. Page 7, line 30.

**Following:** "or"

**Strike:** "37"

10. Page 10, line 1.

**Strike:** "The"

**Insert:** "After a complaint is filed with the commissioner pursuant to 13-37-111, the"

For the Senate:

Bohlinger, Chairman  
Cobb  
Ellingson

For the House:

Walters, Chairman  
Raser  
Ripley

**MESSAGES FROM THE SENATE**

House amendments to Senate bills **not** concurred in:

4/9/2001

**SB 57**, introduced by Johnson

**SB 514**, introduced by Grosfield

**HB 543** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the Senate to confer on **HB 543**:

4/9/2001

Senator Crismore, Chairman  
Senator McCarthy  
Senator Tash

**SB 327** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 327**:

4/9/2001

Senator Taylor, Chairman  
Senator Doherty  
Senator Stapleton

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**SB 441** - The Senate acceded to the request of the House, dissolved the conference committee on House amendments to **SB 441**, and authorized the President to appoint the following conference committee to confer on House amendments to **SB 441**:

4/9/2001

Senator Grimes, Chairman  
Senator Christiaens  
Senator Mohl

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 383** - Representative Sliter moved consideration of **SB 383** be passed for the day. Motion carried.

**SB 368** - Representative K. Peterson moved **SB 368** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Kasten, Lenhart.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 263** - Representative Somerville moved **SB 263** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley,

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Adams, Balyeat, Kasten, McCann, Mood, Pattison.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 46 - Senate Amendments** - Representative Dale moved Senate amendments to **HB 46** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 119 - Senate Amendments** - Representative Vick moved Senate amendments to **HB 119** be concurred in. Motion failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lee, Lehman, Lewis, McKenney, Mood, Newman, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 50

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 125 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 125** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Smith.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 156 - Senate Amendments** - Representative Matthews moved Senate amendments to **HB 156** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Adams, Balyeat, Branae, P. Clark, Dell, Esp, Hurdle, Jayne, Noennig, K. Peterson, Rice, Vick, Waddill, Waitschies, Whitaker.

Total 15

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Absent or not voting: None.  
Total 0

**HB 166 - Senate Amendments** - Representative Lee moved Senate amendments to **HB 166** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery.  
Total 80

Noes: Adams, Bales, Balyeat, Bitney, R. Brown, Clancy, Esp, Fisher, Hedges, Himmelberger, Laszloffy, McCann, Pattison, Rice, Sliter, Somerville, Vick, Waitschies, Younkin, Mr. Speaker.  
Total 20

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 210 - Senate Amendments** - Representative Ripley moved Senate amendments to **HB 210** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Dell, Eggers, Erickson, Galvin-Halcro, Gutsche, Hurdle, Juneau, Kasten, Kaufmann, Wanzenried.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 317 - Senate Amendments** - Representative K. Peterson moved Senate amendments to **HB 317** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 349 - Senate Amendments** - Representative Haines moved Senate amendments to **HB 349** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Mangan, Ripley.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 134** - Representative Bales moved **SB 134** be concurred in.

Representative Gallus moved that Representative Lee be allowed to speak again on **SB 134**. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, A. Peterson, K. Peterson, Raser,



HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Schmidt, Smith, Tramelli, Wanzenried.  
Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: P. Clark, Himmelberger, Lehman, Price, Tropila, Vick, Waddill.  
Total 7

Representative Curtiss moved for cloture. Motion, requiring a two-thirds vote failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Lehman.  
Total 1

Motion that **SB 134** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee,

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**SB 505** - Representative Story moved **SB 505** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 56

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 512** - Representative Sliter moved consideration of **SB 512** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 119** - Representative Sliter moved consideration of **HB 119** be placed at the top of the second reading board. Motion carried.

**HB 119 - Senate Amendments** - Representative Vick moved Senate amendments to **HB 119** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Noes: Forrester, Galvin-Halcro, Gillan, Gutsche, Jayne, Raser, Wanzenried.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 399 - Governor's Amendments** - Representative McKenney moved Governor's amendments to **HB 399** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Balyeat, Eggers, Esp, Gallik, K. Peterson, Raser, Schmidt.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 500 - Governor's Amendments** - Representative Wanzenried moved Governor's amendments to **HB 500** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Davies, Esp, Fuchs, Holden, Jent, Laible, Laslovich, Ripley, Rome, Vick, Waitschies.  
Total 12

Excused: None.

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 66

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Newman, Raser, Schmidt, Sliter, Tramelli, Wanzenried.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 46** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Gallik, Jayne.

Total 3

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**SB 73, as amended by the House, failed** as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lehman, Lewis, Matthews, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 48

Noes: Adams, Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, McCann, McKenney, Musgrove, Newman, Raser, Schmidt, Sliter, Smith, Steinbeisser, Story, Tramelli, Tropila, Wanzenried, Mr. Speaker.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 129, as amended by the House, concurred** in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 162** concurred in as follows:

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Laslovich.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 240** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Bixby, Eggers, Erickson, Facey, Fritz, Gallik, Gutsche, Hurdle, Juneau, Kaufmann, Lee, Musgrove, Smith.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 258, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith,

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Adams, Balyeat, Davies, Holden, Kasten, Laible, Pattison, Story, Vick.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 264, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 280** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Erickson, Facey, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Adams, Balyeat, R. Brown, Brueggeman, Davies, Dell, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Gutsche, Jacobson, Jayne, Kasten, Lewis, Newman, Pattison, Raser, Sliter, Tramelli, Vick, Wanzenried.

Total 27

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 303, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Curtiss, Esp, Gallik, Galvin-Halcro, Golie, Juneau, Lee, Mangan, Newman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 317** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 85

Noes: Adams, Esp, Fisher, Gallik, Jackson, Jayne, Juneau, Keane, Mangan, McCann, Musgrove, K. Peterson, Thomas, Mr. Speaker.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1



HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**SB 346, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Fuchs, Laible, McCann.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 350, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Adams, Balyeat, D. Brown, Davies, Fisher, Fuchs, Jackson, McCann, Vick.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 483, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, R. Brown, Tramelli.

Total 3

Excused: None.

Total 0

Absent or not voting: Pattison.

Total 1

**SB 501** concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Bixby, Eggers, Golie, Hurdle, Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 506, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery.

Total 84

Noes: Bales, Dale, Davies, Esp, Fisher, Kasten, Laible, Laszloffy, Lewis, Lindeen, Pattison, K. Peterson, Vick,

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Waitschies, Younkin, Mr. Speaker.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 508, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lindeen, Musgrove, Newman, Raser, Waddill, Wanzenried.  
Total 28

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 510, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Mangan, Musgrove, Newman, Pattison, Raser, Schmidt, Smith, Tramelli, Vick, Waddill, Wanzenried.  
Total 36

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Absent or not voting: None.  
Total 0

**SB 519** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Hurdle, McCann, Musgrove, Wanzenried.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Noennig requested on **SB 317**, second reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

Representative Shockley requested on **SB 129**, second reading yesterday, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Davies requested on **SB 134**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 119**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative Newman  
Representative Noennig

Representative Sliter moved that the conference committee on **SB 327** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **SB 327**. Motion carried.

The Speaker appointed the following members:

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Representative Sliter, Chairman  
Representative Brueggeman  
Representative Lindeen

Representative Sliter moved that the conference committee on **SB 441** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **SB 441**. Motion carried.

The Speaker appointed the following members:

Representative Laible, Chairman  
Representative Price  
Representative Matthews

Representative Sliter moved that the conference committee on **SB 390** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **SB 390**. Motion carried.

The Speaker appointed the following members:

Representative Lawson, Chairman  
Representative Somerville  
Representative Galvin-Halcro

Representative Sliter moved that the conference committee on **HB 146** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **HB 146**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative Wolery  
Representative Callahan

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 12:25 p.m.

House reconvened at 3:00 p.m. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Curtiss, Chairman): 4/10/2001  
**HJR 44**, introduced joint resolution, be amended as follows:

1. Page 1, line 21.

**Following:** "WHEREAS,"

**Strike:** "the wholesale power market is a matter of federal jurisdiction"

**Insert:** "the Federal Energy Regulatory Commission exercises jurisdiction over wholesale power generation sold in

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

interstate commerce"

And, as amended, be adopted. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 266  
Report No. 1, April 10, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee **on House Bill 266** met April 10, 2001, and considered:

1. Senate Committee on Judiciary amendments to the third reading copy, dated March 16, 2001.

We recommend that **House Bill 266** (reference copy – salmon) be amended as follows:

1. Page 1, line 28.

**Following:** line 27

**Insert:** "(3) An applicant may contest a written statement of legal authority in district court. The prevailing party must be awarded costs and attorney fees incurred in a contest or defense under this section."

For the House:

Shockley, Chairman  
Clancy  
P. Clark

For the Senate:

Miller, Chairman  
Kitzenberg

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 242  
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 242** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 242** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Mahlum, Chairman  
O'Neil

For the House:

Haines, Chairman  
Bookout-Reinicke

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 283  
Report No. 1, April 9, 2001

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 283** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 283** (reference copy – salmon) be amended as follows:

1. Page 8, line 9.

**Following:** "any"

**Insert:** "pertinent"

2. Page 9, line 3 through line 7.

**Following:** "children." on line 3

**Strike:** remainder of line 3 through "RESULTS." on line 7

3. Page 9, line 8.

**Strike:** "SHALL"

**Insert:** "may"

4. Page 9, line 9.

**Following:** "I"

**Strike:** remainder of line 9

**Insert:** "the safety of the child;"

5. Page 9, lines 20 and 21.

**Following:** "1997"

**Strike:** "AS" line 20 through "ENACTED" on line 21

6. Page 15, line 19.

**Strike:** "AS ENACTED"

For the Senate:

Grimes, Chairman

Waterman

Wells

For the House:

Noennig, Chairman

Eggers

Holden

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 423  
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 423** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy – salmon) be amended further as follows:

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

1. Title, page 1, line 5.

**Strike:** "15"

**Insert:** "10"

2. Page 3, line 4.

**Strike:** "15%"

**Insert:** "10%"

For the Senate:

Wells, Chairman

Ellis

Ryan

For the House:

Andersen, Chairman

Jacobson

Kasten

**MESSAGES FROM THE SENATE**

**HB 208** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 208:**

4/10/2001

Senator Grosfield, Chairman

Senator Bishop

Senator Doherty

**HB 324** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 324:**

4/10/2001

Senator Grimes, Chairman

Senator Holden

Senator Jergeson

**HB 359** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 359:**

4/10/2001

Senator Grosfield, Chairman

Senator Doherty

Senator O'Neil

**HB 360** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 360:**

4/10/2001

Senator Grosfield, Chairman

Senator O'Neil

Senator Pease

**HB 459** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 459:**

4/10/2001

Senator Crismore, Chairman



HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Senator Grimes  
Senator Shea

**HB 572** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 572**:  
4/10/2001

Senator Crismore, Chairman  
Senator Grosfield  
Senator Shea

**HB 605** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 605**:  
4/10/2001

Senator Crismore, Chairman  
Senator Nelson  
Senator Tash

**SB 390** - The Senate acceded to the request of the House, dissolved the conference committee on Senate amendments to **SB 390**, and authorized the President to appoint the following free conference committee to confer on **SB 390**:  
4/10/2001

Senator Glaser, Chairman  
Senator Cobb  
Senator McCarthy

**SB 437** - The Senate acceded to the request of the House, dissolved the conference committee on Senate amendments to **SB 437**, and authorized the President to appoint the following free conference committee to confer on **SB 437**:  
4/10/2001

Senator Ekegren, Chairman  
Senator Cole  
Senator Shea

Majority Leader Sliter moved that the House recess until 3:30 p.m. Motion carried.

House recessed at 3:05 p.m.

House reconvened at 3:30 p.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brueggeman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 434 - Senate Amendments** - Representative Sliter moved Senate amendments to **HB 434** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Gallik, Jent, Keane, Lindeen.

Total 4

Voted Absentee: Whitaker, Aye.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

**HB 632 - Senate Amendments** - Representative Mood moved Senate amendments to **HB 632** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, Buzzas, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Tramelli, Waddill, Wanzenried.

Total 33

Voted Absentee: Whitaker, Aye.

Excused: None.

Total 0

Absent or not voting: R. Brown, Lawson.

Total 2

Representative Whitaker excused at this time.

**HB 646 - Senate Amendments** - Representative Golie moved Senate amendments to **HB 646** be **not** concurred in.

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Bales, Barrett, Clancy, Davies, K. Peterson, Vick, Waitschies.

Total 8

Voted Absentee: Whitaker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 494** - Representative Somerville moved **SB 494** be concurred in.

**SB 494** - Representative Gallik moved **SB 494**, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Following:** "SERVICES;"

**Insert:** "REQUIRING THAT THE INCREASE IN TAX REVENUE BE USED TO PAY FOR K-12 PUBLIC SCHOOL BASIC AND PER-ANB ENTITLEMENTS;"

2. Title, page 1, line 11.

**Following:** "15-53-129"

**Insert:** ", 15-53-156,"

3. Page 6, line 1.

**Following:** page 5, line 30

**Insert:** "Section 4. Section 15-53-156, MCA, is amended to read:

**"15-53-156. Retail telecommunications excise tax revenue.** (1) After retaining an allowance for refunds and except as provided in subsection (2), retail telecommunications excise tax revenue collected by the department must be deposited in the state general fund.

(2) The increase in revenue attributable to [this act] must be deposited into a state special revenue fund for the purpose of paying for basic and per-ANB entitlements as provided under Title 20, chapter 9, part 3."

**Renumber:** subsequent sections

4. Page 6, line 30.

**Strike:** "4"

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**Insert:** "5"

Amendment **not** adopted as follows:

Ayes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Pattison, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Excused: Whitaker.

Total 1

Absent or not voting: None.

Total 0

Representative Whitaker present at this time.

**SB 494** - Representative Lee moved **SB 494**, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Strike:** "SUSPENDING"

**Insert:** "REPEALING"

2. Title, page 1, line 11.

**Following:** "SECTION"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

3. Title, page 1, line 12.

**Strike:** "AND 15-53-202"

4. Title, page 1, line 12.

**Following:** "15-53-203, MCA;"

**Insert:** "REPEALING SECTIONS 15-53-201, 15-53-202, AND 15-53-203, MCA;"

5. Title, page 1, line 13.

**Following:** "DATE"

**Strike:** "1"

**Following:** "AN"

**Insert:** "AND"

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

6. Title, page 1, line 13, through page 1, line 14.

**Following:** "DATES"

**Strike:** ", AND A TERMINATION DATE"

7. Page 6, lines 1 through 14.

**Strike:** section 4 in its entirety

**Insert:** "NEW SECTION. Section 4. Repealer. Sections 15-53-201, 15-53-202, and 15-53-203, MCA, are repealed."

8. Page 6, line 30.

**Strike:** section 8 in its entirety

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 39

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 494** - Representative Wanzenried moved **SB 494**, second reading copy, be amended as follows :

1. Title, page 1, line 11.

**Following:** "FEE;"

**Insert:** "PROVIDING THAT A PORTION OF THE TELECOMMUNICATIONS EXCISE TAX, UNDER CERTAIN CONDITIONS, BE DEPOSITED FOR THE USE OF K-12 EDUCATION; PROVIDING A CONTINGENT FUND TRANSFER;"

**Following:** "15-53-129"

**Insert:** ", 15-53-156,"

2. Title, page 1, line 13.

**Strike:** "AN IMMEDIATE"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 5.

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**Following:** line 29

**Insert:** "Section 4. Section 15-53-156, MCA, is amended to read:

**"15-53-156. Retail telecommunications excise tax revenue.** (1) After retaining an allowance for refunds, retail telecommunications excise tax revenue collected by the department must, except as provided in subsection (2), be deposited in the state general fund.

(2) If actual general fund collections for fiscal year 2002 exceed House Joint Resolution No. 2 general fund revenue estimates for fiscal year 2002, as approved by the 57th legislature and as adjusted in the Legislative Fiscal Report, 2003 Biennium, published by the legislative fiscal division, by \$10 million, then 50% of the retail telecommunications excise tax collected by the department must be deposited in the state special revenue fund for state equalization aid and the remainder must be deposited in the state general fund."

**Renumber:** subsequent sections

4. Page 6, line 20.

**Strike:** "date"

**Insert:** "dates -- contingency"

**Strike:** "[This act]"

**Insert:** "Except as provided in subsection (2), [this act]"

**Following:** line 20

**Insert:** "(2)(a) [Section 4] is effective July 1, 2002, only if actual general fund collections for fiscal year 2002 exceed by \$10 million estimated general fund collections contained in House Joint Resolution No. 2 as approved by the 57th legislature and as adjusted in the Legislative Fiscal Report, 2003 Biennium, published by the legislative fiscal division.

(b) The state treasurer shall certify to the secretary of state the amount of the difference between actual general fund collections for fiscal year 2002 and the amount of general fund revenue estimated in House Joint Resolution No. 2, as adjusted in subsection (1). The secretary of state shall notify the department of revenue, the office of budget and program planning, the code commissioner, and the legislative fiscal division of this certification."

**Insert:** "NEW SECTION. Section 8. Contingent fund transfer. If [section 4] becomes effective, the state treasurer shall transfer from the general fund to the state special revenue fund for state equalization aid the amount that should have been deposited in the state special revenue fund from July 1, 2002, to the date that the state treasurer makes the certification provided for in [section 7(2)(b)]."

5. Page 6, line 30.

**Strike:** "SECTION"

**Insert:** "Sections"

**Following:** "4"

**Insert:** " and 5"

**Strike:** "TERMINATES"

**Insert:** "terminate"

Amendment **not** adopted as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss,

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 494** be concurred in carried as follows:

Ayes: Andersen, Bales, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Adams, Balyeat, Barrett, Bitney, Bixby, D. Brown, P. Clark, Cyr, Davies, Dell, Eggers, Forrester, Fuchs, Gallik, Gillan, Golie, Jayne, Juneau, Kasten, Keane, Laible, Laszloffy, Lindeen, Newman, Pattison, Schmidt, Smith, Tramelli, Vick, Walters, Wanzenried.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 65** - Representative Anderson moved **SB 65** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Adams, Balyeat, R. Brown, P. Clark, Davies, Gillan, Golie, Himmelberger, Laible, Laszloffy, Matthews, Rice, Tramelli, Waitschies, Walters.

Total 15

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**SB 344** - Representative Lehman moved **SB 344** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Adams, Balyeat, Davies, Jackson, Kasten, Laible, Vick.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 386** - Representative Callahan moved **SB 386** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Mr. Speaker.  
Total 77

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, Brueggeman, Clancy, Curtiss, Davies, Fisher, Fuchs, Kasten, Laible, Lawson, Mood, Pattison, Rice, Somerville, Steinbeisser, Story, Witt, Younkin.  
Total 22

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1



HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**SB 393** - Representative Waitschies moved **SB 393** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Bixby, R. Brown, Dell, Eggers, Erickson, Galvin-Halcro, Gillan, Golie, Gutsche, Himmelberger, Hurdle, Juneau, Musgrove.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 394** - Representative Laible moved **SB 394** be concurred in.

**SB 394** - Representative Laible moved **SB 394**, second reading copy, be amended as follows :

1. Title, page 1, line 12.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

2. Page 1, lines 16 and 17.

**Following:** "~~The~~" on line 16

**Strike:** remainder of line 16 through "THE" on line 17

**Insert:** "The"

3. Page 2, lines 10 and 11.

**Following:** "effective" on line 10

**Strike:** remainder of line 10 through "approval" on line 11

**Insert:** "July 1, 2002,"

Amendment **adopted** as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Total 85

Noes: Adams, Balyeat, Buzzas, Cyr, Davies, Esp, Fuchs, Holden, Hurdle, Lee, Schmidt, Somerville, Tropila, Witt, Wolery.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 394**, as amended, be concurred in carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Adams, Balyeat, Davies, Fuchs, Kasten, Laszloffy, K. Peterson, Rice, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**SB 484** - Representative McCann moved **SB 484** be concurred in.

**SB 484** - Representative Lewis moved **SB 484**, second reading copy, be amended as follows :

1. Page 1, line 21.

**Following:** "the"

**Strike:** "hard-rock mining reclamation"

**Insert:** "orphan share state"

**Following:** "account"

**Strike:** "created in [section 4]"

**Insert:** "established in 75-10-743"

2. Page 3, line 18.

**Following:** " ;"

**Insert:** "and"

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

3. Page 3, line 19.

**Following:** "account"

**Strike:** "; and"

**Insert:** "."

4. Page 3, line 20 and line 21.

**Strike:** lines 20 and 21 in their entirety

5. Page 5, following line 14.

**Insert:** "(a) excess money transferred from the hard-rock mining reclamation debt service fund created in [section 1];"

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Ayes: Balyeat, Bookout-Reinicke, Brueggeman, Buzzas, Callahan, E. Clark, Dale, Fisher, Fuchs, Gallus, Gillan, Golie, Haines, Jayne, Kaufmann, Keane, Lehman, Lewis, McKenney, A. Peterson, Rome, Smith, Somerville, Vick, Whitaker.  
Total 25

Noes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Carney, Clancy, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Raser, Rice, Ripley, Schmidt, Schruppf, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 73

Excused: None.

Total 0

Absent or not voting: Price, Shockley.

Total 2

Motion that **SB 484** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Eggers, Fritz, Golie, Harris, Hurdle, Raser, Schmidt.

Total 7

Excused: None.

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Total 0

Absent or not voting: Mood, Pattison.

Total 2

**SB 19** - Representative Sliter moved **SB 19** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Forrester.

Total 1

Excused: None.

Total 0

Absent or not voting: Hurdle, Jent.

Total 2

**SB 512** - Representative Sliter moved consideration of **SB 512** be placed at the top of the second reading board. Motion carried.

**SB 512** - Representative Gallik moved **SB 512** be concurred in. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Callahan, Clancy, Davies, Fisher, Forrester, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Jacobson, Jayne, Kasten, Laszloffy, Lindeen, Mangan, Matthews, Raser, Rice, Schmidt, Somerville, Vick, Waitschies, Walters.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sliter moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Bales, Balyeat, Bixby, Callahan, Carney, P. Clark, Eggers, Erickson, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Juneau, Lee, Lindeen, Masolo, Raser, Schmidt, Wanzenried.

Total 21

Excused: None.

Total 0

Absent or not voting: Fisher, Smith, Tramelli.

Total 3

**REPORTS OF STANDING COMMITTEES**

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

4/10/2001

**HJR 43**, introduced joint resolution, be amended as follows:

1. Title, line 5.

**Following:** the second "THE"

**Insert:** "DESIGNATION AND"

2. Page 1.

**Strike:** line 10 through line 28

3. Page 2, line 2 through line 9.

**Following:** "interests" on line 2

**Strike:** remainder of line 2 through "adjustment" on line 9

4. Page 2, line 15.

**Following:** "(1)"

**Insert:** "the designation of various types of hunting licenses and"

5. Page 2, line 17.

**Following:** "(2) the"

**Strike:** "loss"

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**Insert:** "status"

**Following:** "private land"

**Insert:** "and to and across public land"

**Following:** "and the"

**Insert:** "causes of any"

6. Page 2, line 17 through line 18.

**Following:** "loss of access" on line 17

**Strike:** remainder of line 17 through "land" on line 18

7. Page 2, line 20 through line 21.

**Following:** "(4)" on line 20

**Strike:** remainder of line 20 through "opportunity" on line 21

**Insert:** "evaluation of the criteria for selection of enrollees in the hunter management program and the hunting access enhancement program provided for in sections 87-1-265 through 87-1-267, MCA, and examination of the criteria for determining the effectiveness of those programs"

And, as amended, be adopted. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 118  
Report No. 1, April 10, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee **on House Bill 118**, met April 10, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 5, 2001; and
2. Senate Committee of the Whole amendments to the second house, second reading copy, dated March 6, 2001.

We recommend that **House Bill 118** (reference copy – salmon) be amended as follows:

1. Title, line 7.

**Following:** "QUALITY;"

**Insert:** "LIMITING THE PURPOSES FOR WHICH THE DEPARTMENT MAY USE INFORMATION OBTAINED BY THE SMALL BUSINESS STATIONARY SOURCE REPRESENTATIVE;"

2. Page 2.

**Following:** line 20

**Insert:** "(3) Subject to Article II, section 9, of the Montana constitution, the small business stationary source representative may not provide information that the representative obtains from a small business stationary source to the department for use in any administrative or judicial action to enforce the requirements of this chapter, unless the information discloses a violation that constitutes an imminent and substantial danger to human health, safety, or the environment."

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

For the House:

Laszloffy, Chairman  
Clancy  
Cyr

For the Senate:

Grosfield, Chairman  
Cocchiarella  
Crismore

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 559  
Report No. 1, April 10, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee **on House Bill 559**, met April 10, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 27, 2001.

We recommend that **House Bill 559** (reference copy – salmon) be amended as follows:

1. Page 1, line 15.

**Strike:** "-- MOBILE HOME SPACE RENTALS EXEMPTED"

2. Page 1, lines 15 and 17.

**Strike:** "70-24-436" on line 15 through "HOME" on line 17

**Insert:** "this chapter"

3. Page 1, line 25.

**Strike:** "WITHIN THE NOTICE PERIOD"

**Insert:** "before the date specified in the notice"

4. Page 2, line 6.

**Strike:** subsection (D) in its entirety

**Renumber:** subsequent subsections

5. Page 2, line 7.

**Following:** "(1)(b)"

**Strike:** "1"

**Insert:** "or"

**Strike:** "OR (1)(D)."

6. Page 2, following line 14.

**Insert:** "(f) This subsection (1) does not apply to a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home."

7. Page 2, line 19.

**Following:** "1"

**Insert:** "This subsection does not apply to a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home."

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

8. Page 3, following line 1.

**Insert:** "(6) Subsections (3) through (5) apply to all rental agreements, including those involving a tenant who rents space for a mobile home but does not rent the mobile home."

**Renumber:** subsequent subsections

9. Page 3, following line 4.

**Insert:** "(a) the rental agreement does not involve a tenant who rents space for a mobile home but does not rent the mobile home; and"

10. Page 3, line 5.

**Following:** "~~(B)~~"

**Insert:** "(b)"

11. Page 3, lines 7 and 8.

**Strike:** subsection (7) in its entirety

12. Page 3, line 22.

**Strike:** "15"

**Insert:** "3"

13. Page 3, line 30.

**Following:** "park"

**Insert:** ", its manager, or its owner, the notice period is 24 hours;"

14. Page 4, lines 1 through 3.

**Strike:** "IF" on line 1 through "DAYS;" on line 3

15. Page 4, line 10.

**Following:** "z"

**Insert:** "In addition, if the termination was for a violation of subsection (1)(a), the tenant has the right to reinstate the tenancy, after termination, upon payment anytime prior to judgment of all delinquent rent, together with costs and reasonable attorney fees incurred by the landlord in the enforcement of subsection (1)(a)."

16. Page 6, lines 3 through 10.

**Strike:** subsections (4) through (6) in their entirety

For the House:

Noennig, Chairman  
Laible  
Matthews

For the Senate:

Miller, Chairman  
Christiaens  
Grimes

FREE CONFERENCE COMMITTEE  
on Senate Bill 151  
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:



HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

We, your Free Conference Committee met and considered **Senate Bill 151** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 151** (reference copy – salmon) be amended further as follows:

1. Title, line 7.

**Following:** "TO"

**Insert:** "INDIVIDUAL MEMBERS OF"

2. Page 1, line 23.

**Following:** "fitness"

**Strike:** ", "

**Insert:** "or"

**Following:** "conditioning"

**Strike:** ", or well-being"

3. Page 2, line 2.

**Following:** "to"

**Insert:** "individual members of"

For the Senate:

Mahlum, Chairman  
Berry  
Jergeson

For the House:

R. Brown, Chairman  
Barrett  
Gallus

FREE CONFERENCE COMMITTEE  
on Senate Bill 196  
Report No. 1, April 9, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 196** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 196** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 10 through 11.

**Following:** "DATE"

**Insert:** "AND A CONTINGENT TERMINATION PROVISION"

2. Page 1, line 28.

**Following:** "PLACARD"

**Strike:** "HAS THE MEANING PROVIDED IN 50-31-103"

**Insert:** "means a nonpermanent sign used to display or describe food items for sale"

3. Page 3.

**Following:** line 30

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**Insert:** "NEW SECTION. Section 8. Contingent termination. [This act] terminates on certification by the director of the department of commerce to the governor of the passage and approval of a similar program at the federal level. The director shall provide a copy of the certification to the secretary of state and the code commissioner."

For the Senate:

Holden, Chairman  
Ekegren  
Tester

For the House:

Hedges, Chairman  
McCann  
Waitschies

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 427  
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 427** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 427** (reference copy – salmon) be amended as follows:

1. Page 1, line 29.

**Following:** "~~section.~~"

**Insert:** "The bonds issued under this section are subject to any other statutory debt limitations."

For the Senate:

Mahlum, Chairman  
Christiaens  
Johnson

For the House:

Esp, Chairman  
Mangan  
Price

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 432  
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 432** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 432** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Stapleton, Chairman  
Harrington  
Taylor

For the House:

McKenney, Chairman  
Mangan  
Whitaker

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

**MOTIONS**

Representative McCann moved that the House reconsider its action on **HB 14**. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, Bales, Balyeat, Fuchs, Kasten, Laible, Pattison, Somerville, Waitschies, Walters.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative McCann moved that the House reconsider its action on **HB 14** and that it be placed on third reading this day. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, Bales, Balyeat, Davies, Fuchs, Kasten, Laible, Pattison, Waitschies.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

**THIRD READING OF BILLS**

HOUSE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 10, 2001

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 14** passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Bales, Balyeat, Dale, Davies, Kasten, Laible, Pattison, Somerville, Waitschies.

Total 10

Excused: None.

Total

0

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 10:00 a.m., Wednesday, April 11, 2001. Motion carried.

House adjourned at 6:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
April 11, 2001

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Branae. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Mangan and Steinbeisser, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/11/2001

Correctly printed: **HJR 42, HJR 43, HJR 44.**

Correctly engrossed: **SB 19, SB 65, SB 134, SB 263, SB 344, SB 368, SB 386, SB 393, SB 394, SB 484, SB 494, SB 505, SB 512.**

Signed by the Speaker at 6:15 p.m., April 10, 2001: **HB 8, HB 247, HB 447, HB 608, HB 642, HB 650, HJR 38.**

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 46, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Mangan.

Total 1

Voted Absentee: Steinbeisser, Aye; Mangan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 125, as amended by the Senate**, passed as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Eggers, Mangan.

Total 2

Voted Absentee: Steinbeisser, Aye; Mangan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 156, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Adams, Balyeat, Branae, Dell, Hurdle, Jackson, Jayne, Noennig, K. Peterson, Rice, Waddill, Waitschies, Whitaker.

Total 13

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 166, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Mr. Speaker.  
Total 75

Noes: Adams, Bales, Balyeat, Barrett, Clancy, Curtiss, Davies, Esp, Fisher, Fuchs, Jackson, Kasten, Laible, Laszloffy, McCann, Mood, Pattison, Rice, Ripley, Smith, Somerville, Vick, Waitschies, Witt, Younkin.  
Total 25

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 210, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 83

Noes: Bixby, Buzzas, Dell, Eggers, Erickson, Forrester, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Juneau, Kaufmann, Schmidt, Tramelli, Wanzenried.  
Total 17

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 317, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**HB 349, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: D. Brown.

Total 1

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 434, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,



HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 399, as amended by the Governor**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Esp, K. Peterson.

Total 3

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 500, as amended by the Governor**, passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rice, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 74

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Davies, Esp, Fisher, Holden, Jackson, Kasten, Laible, Laszloffy, Mood, Pattison, Price, Ripley, Rome, Sliter, Steinbeisser, Vick, Waitschies, Mr. Speaker.  
Total 26

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 19, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 65, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 82

Noes: Adams, Balyeat, R. Brown, Davies, Eggers, Gillan, Golie, Himmelberger, Jackson, Laible, Matthews, Mood, Rice, Tramelli, Waitschies, Mr. Speaker.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Total 16

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Schrumpf, Somerville.

Total 2

**SB 134, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 38

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Jacobson.

Total 1

**SB 263, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Devlin, Kasten, McCann, Mood, Pattison.

Total 6

Voted Absentee: Mangan, Steinbeisser, Ayes.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 281, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 344** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 93

Noes: Adams, Balyeat, Davies, Jackson, Kasten, Vick, Mr. Speaker.  
Total 7

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Absent or not voting: None.  
Total 0

**SB 368** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: Pattison.  
Total 1

**SB 386, as amended by the House**, concurred in as follows:

Ayes: Andersen, Balyeat, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 71

Noes: Adams, Bales, Barrett, Bitney, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Hedges, Jackson, Kasten, Laible, Lawson, Masolo, Pattison, Rice, Ripley, Sliter, Somerville, Steinbeisser, Story, Waitschies, Witt, Mr. Speaker.  
Total 29

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**SB 393, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 86

Noes: Bixby, R. Brown, Dell, Eggers, Erickson, Galvin-Halcro, Golie, Gutsche, Himmelberger, Hurdle, Juneau, Mood, Musgrove, Mr. Speaker.

Total 14

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 484, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Hurdle, Lee, Raser.

Total 4

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 494, as amended by the House**, concurred in as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Andersen, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Erickson, Esp, Facey, Fisher, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Adams, Bales, Balyeat, Barrett, Bixby, D. Brown, Cyr, Davies, Dell, Eggers, Forrester, Fuchs, Gallik, Gillan, Golie, Hurdle, Jayne, Juneau, Kasten, Laible, Laszloffy, Lee, Lindeen, Schmidt, Vick, Walters, Wanzenried.  
Total 27

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fritz.  
Total 1

**SB 505, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Ripley, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Voted Absentee: Steinbeisser, Aye; Mangan, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 512, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Curtiss, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Masolo, McCann,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Rome, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Adams, Bales, Balyeat, Barrett, D. Brown, R. Brown, Callahan, Clancy, Cyr, Dale, Davies, Fisher, Forrester, Fuchs, Galvin-Halcro, Gillan, Golie, Holden, Hurdle, Jacobson, Jayne, Kasten, Laszloffy, Lindeen, Mangan, Matthews, Pattison, Raser, Rice, Ripley, Schmidt, Somerville, Vick, Waitschies, Walters.  
Total 35

Voted Absentee: Steinbeisser, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 521, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Bixby, Erickson, Jayne, Shockley.  
Total 5

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Gillan requested on **SB 505**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Raser requested on **HB 125**, third reading today, that her vote be shown as yes. There being no objections, so ordered.



HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Representative Musgrove requested on **HB 46**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Galvin-Halcro requested on **HB 125**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Golie requested on **SB 512**, third reading today, that Representative Mangan's vote be changed from yes to no. There being no objections, so ordered.

Representative McCann requested on **SB 134** and **SB 263**, third reading today, that his votes be changed from yes to no. There being no objections, so ordered.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lee in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 398** - Representative Story moved **SB 398** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, Buzzas, Carney, Erickson, Gallik, Gallus, Hurdle, Jayne, Juneau, Kaufmann, Lee, Lindeen, Mangan, Newman, Raser, Smith.

Total 16

Voted Absentee: Steinbeisser, Aye; Mangan, No.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**SB 92** - Representative Carney moved **SB 92** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 88

Noes: Adams, Bales, Balyeat, Barrett, Dale, Davies, Kasten, Mangan, Pattison, Rice, Waitschies.  
Total 11

Voted Absentee: Steinbeisser, Aye; Mangan, No.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**SB 80 - Governor's Amendments** - Representative Keane moved Governor's amendments to **SB 80** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 93

Noes: Balyeat, Laslovich, Mangan, Ripley.  
Total 4

Voted Absentee: Steinbeisser, Aye; Mangan, No.

Excused: None.  
Total 0

Absent or not voting: Schrumpf, Story, Mr. Speaker.  
Total 3

**SB 168 - Governor's Amendments** - Representative Thomas moved Governor's amendments to **SB 168** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 83

Noes: Adams, Balyeat, R. Brown, Davies, Esp, Gallik, Gallus, Himmelberger, Jackson, Jayne, Laszloffy, Mangan, Vick, Waitschies, Walters.

Total 15

Voted Absentee: Steinbeisser, Aye; Mangan, No.

Excused: None.

Total 0

Absent or not voting: Bales, Mr. Speaker.

Total 2

**HB 120 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 120** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 95

Noes: Balyeat, Esp.

Total 2

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan, Thomas, Mr. Speaker.

Total 3

**HB 179 - Senate Amendments** - Representative Dell moved Senate amendments to **HB 179** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: K. Peterson.

Total 1

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Gutsche, Harris.

Total 2

**HB 249 - Senate Amendments** - Representative Laslovich moved Senate amendments to **HB 249** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 375 - Senate Amendments** - Representative Carney moved Senate amendments to **HB 375** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 98

Noes: Balyeat, Mr. Speaker.

Total 2

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 390 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 390** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Dale, Pattison.

Total 2

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan, Lee.

Total 2

**HJR 42** - Representative Kaufmann moved **HJR 42** be adopted. Motion carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann,

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.

Total 77

Noes: Adams, Andersen, Balyeat, R. Brown, Dale, Davies, Devlin, Esp, Fisher, Himmelberger, Jackson, Kasten, Laszloffy, Rice, Ripley, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.

Total 22

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**SB 383** - Representative Forrester moved **SB 383** be concurred in.

Representative B. Thomas moved for cloture. Motion carried.

Motion that **SB 383** be concurred in failed as follows:

Ayes: Bixby, Bookout-Reinicke, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Golie, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Schmidt, Sliter, Smith, Tramelli, Tropila.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fritz, Fuchs, Gillan, Gutsche, Haines, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laszloffy, Lehman, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 59

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 644 - Senate Amendments** - Representative Pattison moved Senate amendments to **HB 644** be **not** concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 83

Noes: Bixby, Branae, Carney, P. Clark, Cyr, Erickson, Forrester, Gallik, Gutsche, Harris, Hurdle, Jent, Juneau, Newman, Wanzenried.

Total 15

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Sliter, Younkin.

Total 2

**HB 41 - Senate Amendments** - Representative Witt moved Senate amendments to **HB 41** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 78

Noes: Bixby, Buzzas, Carney, P. Clark, Cyr, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Jayne, Jent, Kaufmann, Lindeen, Newman, Raser, Wanzenried.

Total 19

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan, Sliter, Mr. Speaker.

Total 3

**HB 94 - Senate Amendments** - Representative Gillan moved Senate amendments to **HB 94** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Kaufmann.

Total 1

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 116 - Senate Amendments** - Representative Mood moved Senate amendments to **HB 116** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Bixby, Gallik, Gutsche, Hurdle, Musgrove, Wanzenried.

Total 6

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Pattison.

Total 1

**HB 201 - Senate Amendments** - Representative Davies moved Senate amendments to **HB 201** be concurred in. Motion carried as follows:



HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Newman, Noennig, K. Peterson, Raser, Schmidt, Shockley, Tramelli, Waddill, Walters, Wanzenried, Wolery.

Total 40

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Curtiss, Forrester.

Total 2

**HB 218 - Senate Amendments** - Representative Facey moved Senate amendments to **HB 218** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Bales, Balyeat, Barrett, Waitschies.

Total 4

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 230 - Senate Amendments** - Representative Price moved Senate amendments to **HB 230** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Haines.

Total 1

**HB 239 - Senate Amendments** - Representative Thomas moved Senate amendments to **HB 239** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Bitney, D. Brown, Witt.

Total 3

**HB 265 - Senate Amendments** - Representative Facey moved Senate amendments to **HB 265** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Steinbeisser.

Total 1

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 331 - Senate Amendments** - Representative Eggers moved Senate amendments to **HB 331** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Clancy.

Total 1

**HB 353 - Senate Amendments** - Representative Fritz moved Senate amendments to **HB 353** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, R. Brown, Ripley, Steinbeisser.

Total 4

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: Eggers.

Total 1

**HB 362 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 362** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Dell, Gutsche, Harris, Shockley.

Total 4

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 368 - Senate Amendments** - Representative Hedges moved Senate amendments to **HB 368** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 381 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 381** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Esp, Himmelberger, Kasten, Pattison, Story.

Total 5

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman, McCann.

Total 2

Representative Facey assumed the chair.

**HB 387 - Senate Amendments** - Representative Hedges moved Senate amendments to **HB 387** be concurred in.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 401 - Senate Amendments** - Representative Lee moved Senate amendments to **HB 401** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Dell, Gutsche, Hurdle, Somerville, Steinbeisser.

Total 5

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: Masolo.

Total 1

Representative Lee reassumed the chair.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**HB 405 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 405** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 430 - Senate Amendments** - Representative Clancy moved Senate amendments to **HB 430** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Barrett, Buzzas, Dell, Eggers, Gallik, Hurdle, Mood, Steinbeisser, Waitschies.

Total 10

Voted Absentee: Mangan, Aye; Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: Davies, Kasten.

Total 2

**HB 469 - Senate Amendments** - Representative Rice moved Senate amendments to **HB 469** be concurred in. Motion

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**HB 510 - Senate Amendments** - Representative Lawson moved Senate amendments to **HB 510** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Bitney expressed a conflict of interest and abstained from voting.



HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**HB 596 - Senate Amendments** - Representative Bitney moved Senate amendments to **HB 596** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Dale, Davies, Devlin, Fisher, Forrester, Fuchs, Haines, Hedges, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Adams, Bixby, Branae, Buzzas, Callahan, Clancy, Curtiss, Dell, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, McCann, Musgrove, K. Peterson, Raser, Rice, Smith, Somerville, Tramelli, Waddill, Wanzenried, Whitaker.  
Total 40

Voted Absentee: Mangan, Steinbeisser, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lee moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Eggers, Gallik, Galvin-Halcro, Golie, Juneau, Schmidt, Wanzenried.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Mangan, Ripley, Steinbeisser.  
Total 3

**REPORTS OF SELECT COMMITTEES**

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 348  
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 348** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy – salmon) be amended further as follows:

1. Page 2, line 23.

**Strike:** "(3)"

**Insert:** "(2)"

2. Page 3, line 16 through line 17.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

For the Senate:

Berry, Chairman  
DePratu  
Elliott

For the House:

Laszloffy, Chairman  
P. Clark  
Somerville

**MOTIONS**

Representative Jayne requested on **HB 390**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative K. Peterson requested on **HB 249**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Erickson requested on **SB 398**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Newman requested on **HB 120**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Gallus requested on **HB 596**, second reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Pattison requested on **HB 390**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative K. Peterson requested on **HB 596**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Representative Thomas requested on **HB 510**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Sliter moved that the conference committee on **HB 216** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **HB 216**. Motion carried.

The Speaker appointed the following members:

Representative Himmelberger, Chairman  
Representative K. Peterson  
Representative Harris

Representative Sliter moved that the conference committee on **HB 572** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **HB 572**. Motion carried.

The Speaker appointed the following members:

Representative Story, Chairman  
Representative Olson  
Representative Matthews

Representative Sliter moved that the conference committee on **SB 437** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **SB 437**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chairman  
Representative Bales  
Representative Jent

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 514**. Motion carried.

The Speaker appointed the following members:

Representative Price, Chairman  
Representative Laible  
Representative Wanzenried

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 12:08 p.m.

House reconvened at 3:00 p.m. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**BILLS** (Bookout-Reinicke, Chairman):

4/11/2001

Correctly enrolled: **HB 46, HB 125, HB 156, HB 166, HB 210, HB 317, HB 349, HB 434.**

Examined by the sponsor and found to be correct: **HB 46, HB 125, HB 156, HB 166, HB 210, HB 317, HB 349, HB 434.**

Delivered to the Governor for approval at 3:50 p.m., April 11, 2001: **HB 8, HB 247, HB 447, HB 608, HB 642, HB 650.**

Delivered to the Secretary of State at 4:02 p.m., April 11, 2001: **HJR 38.**

**BUSINESS AND LABOR** (McKenney, Chairman):

4/11/2001

**SJR 20**, be amended as follows:

1. Page 2, line 1.

**Strike:** "hundreds of"

**Strike:** "are being"

**Insert:** "may be"

2. Page 2.

**Following:** line 2

**Insert:** "WHEREAS, Montana's seven Indian reservations currently face unemployment rates of between 47% and 70%; and"

3. Page 2, line 4.

**Following:** "Montana"

**Insert:** "and so that our businesses can continue to prosper"

4. Page 3, line 2.

**Strike:** "and"

**Insert:** "(7) strategies for reducing the high unemployment rates that exist on Montana's Indian reservations; and"

**Renumber:** subsequent subsection

5. Page 3, line 6 through line 12.

**Strike:** "BE" on line 6 through "BOARD." on line 12

**Insert:** "BE IT FURTHER RESOLVED, that if the 57th Legislature authorizes the establishment of a State Workforce Investment Board and two Local Workforce Investment Boards, two legislators who are members of the State Board and one member of each Local Board be requested to participate in the study and be responsible for reporting any study findings and conclusions to the State Workforce Investment Board and the two Local Workforce Investment Boards.

BE IT FURTHER RESOLVED, that if the 57th Legislature authorizes the establishment of a State Workforce Investment Board and two Local Workforce Investment Boards, the staff of each of the Boards be requested to serve as a resource for the study by providing information, attending study meetings, and communicating and coordinating study activities with the activities of the State Workforce Investment Board and the Local Workforce Investment Boards."

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

on Senate Amendments to House Joint Resolution 32  
Report No. 1, April 10, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Joint Resolution 32**, met April 10, 2001, and considered:

1. Senate Committee on State Administration amendments to third reading copy, dated March 15, 2001:

We recommend that **House Joint Resolution 32** (reference copy – salmon) be amended as follows:

1. Page 1, line 24 through line 27.

**Strike:** line 24 through line 27 in their entirety

2. Page 2, line 5.

**Strike:** "AND THE RESULTING INADEQUATE RESOURCES"

3. Page 2, line 14 through line 15.

**Following:** "kin,"

**Strike:** remainder of line 14 through "RESOURCES."

4. Page 2, line 28 through page 3, line 7.

**Strike:** page 2, line 28 through page 3, line 7 in its entirety

For the House:

Thomas, Chairman  
Bixby  
Lawson

For the Senate:

Bishop, Chairman  
Butcher  
Pease

FREE CONFERENCE COMMITTEE  
on Senate Bill 327  
Report No. 1, April 11, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered House amendments to **Senate Bill 327** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 327** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Tash, Chairman  
Doherty  
Stapleton

For the House:

Sliter, Chairman  
Brueggeman  
Lindeen

**MESSAGES FROM THE SENATE**

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

House amendments to Senate bills concurred in: 4/11/2001

**SB 131**, introduced by Taylor  
**SB 326**, introduced by Taylor  
**SB 489**, introduced by Grosfield  
**SB 495**, introduced by Thomas

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/10/2001

**HB 5**, introduced by McCann  
**HB 13**, introduced by Lewis  
**HB 273**, introduced by Erickson  
**HB 516**, introduced by Jent  
**HB 526**, introduced by Branae  
**HB 645**, introduced by Mangan

4/11/2001

**HB 69**, introduced by McCann  
**HB 121**, introduced by Mood  
**HB 124**, introduced by Story  
**HB 226**, introduced by Bales  
**HB 474**, introduced by Sliter  
**HB 625**, introduced by Musgrove

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 4/11/2001

**HJR 2**, introduced by Somerville

Conference committee report #1 adopted: 4/11/2001

**SB 135**, introduced by Waterman

Free conference committee report #1 adopted: 4/11/2001

**HB 142**, introduced by Somerville

Conference committee report #1 **not** adopted: 4/11/2001

**HB 266**, introduced by Clancy  
**HB 559**, introduced by Noennig

**HB 146** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 146**: 4/10/2001

Senator Grimes, Chairman  
Senator Halligan  
Senator McNutt

**HB 572** - The Senate acceded to the request of the House and authorized the President to appoint the following free

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

conference committee to meet with a like committee from the House to confer on **HB 572**:

4/11/2001

Senator Crismore, Chairman  
Senator Grosfield  
Senator Shea

**SB 57** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 57**:

4/10/2001

Senator Stapleton, Chairman  
Senator Johnson  
Senator Nelson

**SB 242** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 242**:

4/10/2001

Senator Mahlum, Chairman  
Senator O'Neil  
Senator Toole

**SB 514** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on House amendments to **SB 514**:

4/10/2001

Senator Berry, Chairman  
Senator Cocchiarella  
Senator Grosfield

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lee in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 5 - Senate Amendments** - Representative McCann moved Senate amendments to **HB 5** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Noes: Balyeat, Dell, Erickson, Laible, Masolo, Olson, Story, Waitschies.  
Total 8

Excused: None.  
Total 0

Absent or not voting: D. Brown.  
Total 1

**HB 124 - Senate Amendments** - Representative Story moved Senate amendments to **HB 124** be **not** concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: P. Clark, Forrester, Jayne, Laslovich, Musgrove, Smith.  
Total 6

Excused: None.  
Total 0

Absent or not voting: McCann, Tramelli.  
Total 2

Representative Bookout-Reinicke absent at this time.

**HB 226 - Senate Amendments** - Representative Bales moved Senate amendments to **HB 226** be **not** concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Buzzas, Callahan, Cyr, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Mangan, Newman, Raser, Wanzenried.  
Total 21



HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Pattison.

Total 1

**HB 3 - Senate Amendments** - Representative Fisher moved Senate amendments to **HB 3** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Olson, Pattison, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 51

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 49

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 564 - Senate Amendments** - Representative Olson moved Senate amendments to **HB 564** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Jayne, Tropila, Walters.

Total 3

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher, Lewis.

Total 2

**SB 348 - Conference Committee Report No. 1** - Representative Laszloffy moved the Conference Committee report to **SB 348** be adopted.

Representative Gallik moved to pass **SB 348 CC** to the bottom of the board. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Erickson, Esp, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Mangan, Musgrove, Noennig, K. Peterson, Raser, Schmidt, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 36

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Forrester, Fuchs, Haines, Hedges, Holden, Jackson, Jacobson, Jayne, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 56

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Bales, D. Brown, Eggers, Fritz, Matthews, Newman, Witt.

Total 7

Motion that the Conference Committee report to **SB 348** be adopted carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Callahan, Eggers, Esp, Facey, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jayne, Jent, Juneau, Kaufmann, Musgrove, Newman, Noennig, K. Peterson, Raser, Thomas, Tramelli, Tropila, Waddill.

Total 21

Voted Absentee: Bookout-Reinicke, Aye.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Excused: None.  
Total 0

Absent or not voting: Buzzas, Fritz, Harris, Schmidt.  
Total 4

**HJR 43** - Representative P. Clark moved **HJR 43** be adopted. Motion failed as follows:

Ayes: Balyeat, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Newman, Noennig, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.  
Total 48

Noes: Adams, Andersen, Bales, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Masolo, McCann, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 52

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 44** - Representative Curtiss moved **HJR 44** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: R. Brown, Esp, Raser.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Absent or not voting: Carney, Gutsche, Harris.  
Total 3

**SB 376** - Representative Sliter moved **SB 376** be concurred in.

Representative Adams moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Bitney, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 68

Noes: Bixby, Branae, Buzzas, Carney, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Lee, Musgrove, K. Peterson, Raser, Schmidt, Smith, Tropila, Wanzenried.  
Total 27

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Balyeat, Barrett, Clancy, A. Peterson.  
Total 4

Motion that **SB 376** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**HB 33 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 33** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**HB 63 - Senate Amendments** - Representative Dell moved Senate amendments to **HB 63** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Dale, Esp, Lewis, Mood, Ripley, Vick.

Total 6

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**HB 87 - Senate Amendments** - Representative Masolo moved Senate amendments to **HB 87** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Esp, K. Peterson.

Total 2

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Gallus, Himmelberger.

Total 2

**HB 186 - Senate Amendments** - Representative Holden moved Senate amendments to **HB 186** be concurred in.

Representative Schmidt moved for cloture. Motion carried.

Motion that Senate amendments to **HB 186** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Keane, Laible, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Witt, Wolery, Younkin.

Total 58

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Laszloffy, Lawson, Lee, Mangan, Musgrove, Newman, Noennig, Raser, Rome, Schmidt, Tramelli, Waddill, Wanzenried, Whitaker, Mr. Speaker.

Total 42

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Absent or not voting: None.  
Total 0

**HB 279 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 279** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Fritz, Kaufmann, Wanzenried.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Lindeen.  
Total 1

**HB 406 - Senate Amendments** - Representative Gillan moved Senate amendments to **HB 406** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Bales, Barrett, E. Clark, Devlin, Ripley.  
Total 5

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Absent or not voting: None.  
Total 0

**HB 412 - Senate Amendments** - Representative Wolery moved Senate amendments to **HB 412** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Buzzas, P. Clark, Gallik, Gallus, Golie, Kaufmann, Lawson, Mood, Pattison, Steinbeisser, Vick.  
Total 11

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Schrumpf.  
Total 1

**HB 455 - Senate Amendments** - Representative Lewis moved Senate amendments to **HB 455** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Steinbeisser.



HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Total 1

**HB 472 - Senate Amendments** - Representative Rome moved Senate amendments to **HB 472** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 498 - Senate Amendments** - Representative Branae moved Senate amendments to **HB 498** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 97

Noes: Mr. Speaker.

Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher, Smith.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Total 2

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lee moved the Committee of the Whole report be adopted.

Representative Golie made a substitute motion that Senate amendments to **HB 3** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Schmidt, Schruppf, Smith, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.

Total 57

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Mood, Pattison, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.

Total 42

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Jayne requested on **HB 564**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Schruppf requested on **SB 383**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Waddill requested on **HJR 43**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 5**. Motion carried.

The Speaker appointed the following members:

Representative Vick, Chairman  
Representative Brueggeman  
Representative McCann

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

committee from the Senate to confer on **HB 41**. Motion carried.

The Speaker appointed the following members:

Representative Witt, Chairman  
Representative Vick  
Representative Tropila

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 57**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative Hedges  
Representative Smith

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 124**. Motion carried.

The Speaker appointed the following members:

Representative Story, Chairman  
Representative Esp  
Representative Mangan

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 226**. Motion carried.

The Speaker appointed the following members:

Representative Bales, Chairman  
Representative Devlin  
Representative Lindeen

Representative Sliter moved that the conference committee on **SB 242** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **SB 242**. Motion carried.

The Speaker appointed the following members:

Representative Haines, Chairman  
Representative Bookout-Reinicke  
Representative Tropila

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 632**. Motion carried.

The Speaker appointed the following members:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 644**. Motion carried.

The Speaker appointed the following members:

Representative Pattison, Chairman  
Representative Hedges  
Representative Smith

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 646**. Motion carried.

The Speaker appointed the following members:

Representative Story, Chairman  
Representative Mood  
Representative Forrester

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 459  
Report No. 1, April 11, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 459**, met April 11, 2001, and considered:

1. Senate Committee in Natural Resources amendments to third reading copy, dated March 17, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 20, 2001.

We recommend that **House Bill 459** (reference copy – salmon) be amended as follows:

1. Page 1, line 18.

**Following:** "ensure"

**Insert:** ": (A)"

2. Page 1, line 20 through line 21.

**Following:** "environment"

**Insert:** ";

**Strike:** "THAT WILL ENSURE"

**Insert:** "(B)"

**Strike:** "UNDER" on line 20 through "PART" on line 21

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**Insert:** "that is not subject to subsection (1)(b)(iv)"

3. Page 1, line 22.

**Strike:** "SUBSECTION (1)(B)(IV)(C)"

**Insert:** "subsections (1)(b)(iv)(C)(I) through (1)(b)(iv)(C)(III) and, if requested by the project sponsor or if determined by the agency to be necessary, subsection (1)(b)(iv)(C)(IV)"

4. Page 4, line 17.

**Strike:** "A DETAILED STATEMENT"

**Insert:** "an environmental review"

5. Page 4, line 18.

**Strike:** "A DETAILED STATEMENT"

**Insert:** "an environmental review"

For the House:

Mood, Chairman  
Forrester  
Younkin

For the Senate:

Crismore, Chairman  
Grimes  
Shea

FREE CONFERENCE COMMITTEE  
on House Bill 543  
Report No. 1, April 11, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee **on House Bill 543**, met April 11, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 27, 2001.

We recommend that **House Bill 543** (reference copy – salmon) be amended as follows:

1. Title, line 11.

**Strike:** "CONFORM TO"

**Insert:** "BE IN ACCORDANCE WITH"

2. Title, line 12 through line 14.

**Strike:** "REQUIRING" on line 12 through "REGULATIONS;" on line 14

3. Page 2, line 20.

**Following:** "MADE"

**Strike:** "to" on line 20 through "of"

**Insert:** "in accordance with"

4. Page 5, line 1.

**Strike:** "establish" through "chapter"

**Insert:** "be made in accordance with the goals and objectives established in the growth policy that are within the scope

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

of 76-3-501"

5. Page 5, line 2.

**Strike:** "2 years"

**Insert:** "1 year"

6. Page 5, line 20.

**Strike:** "[SECTION 3 OF THIS"

**Insert:** "[This"

**Strike:** " " through " "

7. Page 5, line 22 through line 25.

**Strike:** "2003" on line 22

**Insert:** "2002"

**Following:** " " on line 22

**Strike:** "A" on line 22 through " " on line 25

For the House:

R. Brown, Chairman

Dale

Forrester

For the Senate:

Crismore, Chairman

McCarthy

Tash

FREE CONFERENCE COMMITTEE  
on House Bill 572  
Report No. 1, April 11, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 572**, met April 11, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 29, 2001.

We recommend that **House Bill 572** (reference copy – salmon) be amended as follows:

1. Page 7, line 18.

**Strike:** "pre-1985"

**Insert:** "pre-1999"

2. Page 7, line 19.

**Strike:** "post-1985"

**Insert:** "post-1999"

3. Page 12, line 1.

**Strike:** "THOSE AMENDMENTS IN"

**Insert:** "[section 3] of"

4. Page 12, line 2.

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

**Strike:** "ARE"  
**Insert:** "is"

For the House:

Story, Chairman  
Matthews  
Olson

For the Senate:

Crismore, Chairman  
Grosfield  
Shea

FREE CONFERENCE COMMITTEE  
on Senate Bill 242  
Report No. 1, April 11, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 242** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 242** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Mahlum, Chairman  
O'Neil

For the House:

Haines, Chairman  
Bookout-Reinicke

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 429  
Report No. 1, April 11, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 429** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 429** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Miller, Chairman  
Sprague  
Tester

For the House:

Fuchs, Chairman  
Forrester  
Himmelberger

FREE CONFERENCE COMMITTEE  
on Senate Bill 437  
Report No. 1, April 11, 2001

Mr. President and Mr. Speaker:

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

We, your Free Conference Committee met and considered **Senate Bill 437** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 437** (reference copy – salmon) be amended as follows:

1. Title, line 11.

**Following:** "LICENSES;"

**Insert:** "PROVIDING FOR THE ISSUANCE OF COMPLIMENTARY ELK PERMITS TO CERTAIN LANDOWNERS WHO CONTRACT TO PROVIDE PUBLIC HUNTING ACCESS; SETTING THE TERMS AND CONDITIONS OF THE PERMITS; REQUIRING A REPORT TO THE LEGISLATURE REGARDING USE OF THE LICENSES AND PERMITS;"

2. Page 4.

**Following:** line 17

**Insert:** "(7) The department shall report to the 58th legislature the number of hunting days used and licenses issued pursuant to this section in each administrative region."

3. Page 4, line 18.

**Insert:** "NEW SECTION. Section 2. Complimentary elk permit for landowner contracting to provide hunting access -- terms and conditions. (1) The department, through the commission, may issue for wildlife management purposes one complimentary, nontransferable antlerless or either-sex elk permit to a person who:

(a) owns, is contracting to purchase, or is leasing for agricultural purposes at least 1,800 acres or more of privately owned land, some of which is used by elk, and who claimed at least \$5,000 in gross income for agricultural purposes on an appropriate internal revenue service form for the most recent year; and

(b) enters into a contractual public hunting access agreement with the department.

(2) A permit issued pursuant to subsection (1) is valid only in the hunting districts containing land that qualified the landowner to receive the permit.

(3) A permit issued pursuant to subsection (1) may be issued to:

(a) the qualifying landowner or lessee;

(b) a designated family member; or

(c) a bona fide employee of the qualifying landowner who pays taxes on farm or ranch employment income.

(4) A person who is issued a permit pursuant to subsection (1) is ineligible to participate in any other special drawing for an elk license or permit during that license year.

(5) As used in this section:

(a) "appropriate internal revenue service form" means the internal revenue service form necessary for an individual, partnership, or corporation to claim tax consideration for income that is considered agricultural income for tax purposes; and

(b) "contractual public hunting access agreement" means a signed agreement between the department and a landowner specifying how public hunting access will be administered on property owned by or under the legal control of the landowner.

The agreement may include but is not limited to designation of:

(i) the number of hunters and hunting days;

(ii) time periods of allowable public hunting;

(iii) property on which public hunting will be allowed;

(iv) the manner in which public hunters will be allowed access to the property; and



HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 11, 2001

(v) rules explaining how hunting activities will be controlled or regulated on the property, such as travel management, game retrieval, landowner notification, and postseason reporting.

(6) The department shall report to the 58th legislature the number of hunting days used and permits issued pursuant to this section in each administrative region."

**Renumber:** subsequent sections

4. Page 4, line 19.

**Strike:** "[SECTION 1] IS"

**Insert:** "[Sections 1 and 2] are"

5. Page 4, line 21.

**Strike:** "[SECTION 1]"

**Insert:** "[sections 1 and 2]"

For the Senate:

Cobb, Chairman  
Ekegren  
Shea

For the House:

Brueggeman, Chairman  
Bales  
Jent

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 10:00 a.m., Thursday, April 12, 2001. Motion carried.

House adjourned at 6:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 12, 2001

House Chambers  
State Capitol

House convened at 10:08 a.m. Mr. Speaker in the Chair. Invocation by Representative Art Peterson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/12/2001  
Correctly printed: **SJR 20**.  
Correctly engrossed: **HJR 42, HJR 44, SB 92, SB 376, SB 398**.  
Correctly enrolled: **HB 577, HB 610, HB 615, HB 639**.  
Examined by the sponsor and found to be correct: **HB 577, HB 610, HB 615, HB 639**.

**MESSAGES FROM THE SENATE**

House amendments to Senate bill **not** concurred in: 4/11/2001

**SB 322**, introduced by Shea

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/11/2001

**HB 637**, introduced by Kaufmann

**HB 119** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to HB 119: 4/11/2001

Senator McNutt, Chairman  
Senator Shea  
Senator J. Wells

**HB 216** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on HB 216: 4/11/2001

Senator R. Holden, Chairman  
Senator Harrington  
Senator Stapleton

Conference committee report #1 **not** adopted: 4/11/2001

**SB 432**, introduced by Taylor

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

**MESSAGES FROM THE GOVERNOR**

April 11, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker McGee and President Beck:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 348, **"AN ACT REVISING THE LAWS GOVERNING STATE AGENCY LIQUOR STORES; INCREASING COMMISSION RATES FOR STATE AGENCY LIQUOR STORES BASED UPON THE ANNUAL SALES VOLUMES OF STORES; PROVIDING FOR RENEWALS AT TERMINATION OF THE 10-YEAR PERIOD OF FRANCHISE AGREEMENTS; ~~CHANGING THE POPULATION LEVELS AND PROXIMITY TO OTHER STATE AGENCY LIQUOR STORES FOR ESTABLISHING NEW STATE AGENCY LIQUOR STORES;~~ AMENDING SECTIONS SECTION 16-2-101 AND 16-2-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE,"** for the following reasons.

I have no objection to the substantive intent of HB 348, but do have objections to its long-term fiscal impact to the general fund. I recommend that the commission rates contained in the bill be reduced to effect a 50% reduction in the long-term impact to general fund revenues. I have attached my amendments to that effect.

As you know, HB 348 increases the commission rates for liquor stores based on annual sales volume. Under the percentages currently contained in the bill, it will have a \$288,608 impact on the general fund in fiscal year 2003. In the next biennium, however, that fiscal impact will increase to \$956,557 in fiscal year 2004 and \$1,542,336 in fiscal year 2005. That \$1.5 million dollar impact will then carry forward into future biennia.

I do not believe that an ongoing fiscal impact of that magnitude is appropriate in light of our current and projected fiscal status. I recommend, therefore, that the bill be amended to reduce the effect on the general fund for future biennia by 50%. That will leave a general fund impact of approximately \$478,000 for fiscal year 2004 and approximately \$772,000 for fiscal year 2005 and thereafter. My recommended amendments do not affect the \$288,608 impact to the general fund for fiscal year 2003.

Representative Shockley, the sponsor of the bill, has been advised of my recommendations.

Sincerely,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 348

1. Page 2, line 23  
**Following:** "2002,"  
**Strike:** "1% "  
**Insert:** ".5% "

2. Page 2, line 23  
**Following:** "and"  
**Strike:** "1.75% "  
**Insert:** ".875% "

3. Page 2, line 26  
**Following:** "2002,"  
**Strike:** "2.25% "  
**Insert:** "1.25% "

4. Page 2, line 26  
**Following:** "and"  
**Strike:** "3.25% "  
**Insert:** "1.5% "

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Haines in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 499 - Senate Amendments** - Representative Facey moved Senate amendments to **HB 499** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Balyeat.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 502 - Senate Amendments** - Representative Story moved Senate amendments to **HB 502** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Haines, Lindeen.

Total 2

**HB 517 - Senate Amendments** - Representative Mangan moved Senate amendments to **HB 517** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Hurdle.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

**HB 552 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 552** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Gallik, Golie, Hurdle, Newman.

Total 5

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 578 - Senate Amendments** - Representative Callahan moved Senate amendments to **HB 578** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 1 - Senate Amendments** - Representative McCann moved Senate amendments to **HJR 1** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 13 - Senate Amendments** - Representative Wolery moved Senate amendments to **HJR 13** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Bixby, Buzzas, Erickson, Facey, Fritz, Gallik, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Lee.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 12

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 345 - Senate Amendments** - Representative Mangan moved Senate amendments to **HB 345** be concurred in.

Representative Newman expressed a conflict of interest and abstained from voting.

Motion that Senate amendments to **HB 345** be concurred in carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Balyeat, Davies, Kasten, Laszloffy, Pattison, Vick.

Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Newman.

Total 1

**HB 409 - Senate Amendments** - Representative A. Peterson moved Senate amendments to **HB 409** be concurred in.

Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 93

Noes: Balyeat, R. Brown, Dell, Kasten, Laible, Laslovich, Ripley.

Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 474 - Senate Amendments** - Representative Sliter moved Senate amendments to **HB 474** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 30

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Lindeen.

Total 1

**HB 625 - Senate Amendments** - Representative Musgrove moved Senate amendments to **HB 625** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 88

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Adams, Balyeat, Clancy, Davies, Esp, Fuchs, Himmelberger, Jackson, Waitschies, Mr. Speaker.  
Total 10

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Eggers, Ripley.  
Total 2

**HB 645 - Senate Amendments** - Representative Mangan moved Senate amendments to **HB 645** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 42 - Senate Amendments** - Representative Masolo moved Senate amendments to **HB 42** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 92

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Balyeat, Davies, Eggers, Juneau, Kasten, Pattison, Sliter, Mr. Speaker.  
Total 8

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 73 - Senate Amendments** - Representative R. Brown moved Senate amendments to **HB 73** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Eggers, Gallik, Galvin-Halcro, Juneau, Lee.  
Total 5

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Hedges.  
Total 1

**HB 151 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 151** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 96

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Balyeat, Jayne, Younkin.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**HB 254 - Senate Amendments** - Representative Davies moved Senate amendments to **HB 254** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Bixby, Buzzas, Eggers, Erickson, Gallus, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Lee, Tramelli.  
Total 13

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 261 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 261** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Mangan.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 295 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 295** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Pattison, Waitschies.  
Total 2

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Masolo.  
Total 1

**HB 319 - Senate Amendments** - Representative Galvin-Halcro moved Senate amendments to **HB 319** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Esp, Himmelberger, Ripley, Steinbeisser.  
Total 4

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 334 - Senate Amendments** - Representative Lenhart moved Senate amendments to **HB 334** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: McCann.  
Total 1

**HB 395 - Senate Amendments** - Representative Thomas moved Senate amendments to **HB 395** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 83

Noes: Adams, Balyeat, Brueggeman, Dale, Davies, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, Pattison,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Steinbeisser, Story, Vick, Waitschies.  
Total 16

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Musgrove.  
Total 1

**HB 403 - Senate Amendments** - Representative Gillan moved Senate amendments to **HB 403** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Younkin, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, Brueggeman, Clancy, Curtiss, Fisher, Fuchs, Gallus, Himmelberger, Holden, Jayne, Kasten, Masolo, Mood, Pattison, Rice, Steinbeisser, Whitaker, Witt, Wolery.  
Total 20

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 418 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 418** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 442 - Senate Amendments** - Representative Jayne moved Senate amendments to **HB 442** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: P. Clark, Gillan, Kasten.  
Total 3

**HB 454 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 454** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Callahan, Eggers, Erickson, Gallik, Juneau, Kaufmann, Smith.  
Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 463 - Senate Amendments** - Representative Lee moved Senate amendments to **HB 463** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Balyeat.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Shockley.  
Total 1

**HB 491 - Senate Amendments** - Representative Tropila moved Senate amendments to **HB 491** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Balyeat.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 492 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 492** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Fisher, Fuchs.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 496 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 496** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Lee.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Fritz.  
Total 1

**HB 526 - Senate Amendments** - Representative Branae moved Senate amendments to **HB 526** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Devlin.  
Total 2

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Lindeen.  
Total 1

**HB 539 - Senate Amendments** - Representative Mangan moved Senate amendments to **HB 539** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Golie, Gutsche, Harris, Hurdle, Kaufmann.  
Total 5

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Branae, Mood.  
Total 2

**HB 560 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 560** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Jayne.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 563 - Senate Amendments** - Representative P. Clark moved Senate amendments to **HB 563** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 90

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Cyr, Gallik, Jackson, Jayne, Jent, Laslovich, Newman, Sliter, Younkin.  
Total 9

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Mangan.  
Total 1

**HB 569 - Senate Amendments** - Representative Esp moved Senate amendments to **HB 569** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: McCann, Pattison.  
Total 2

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Gallus, Sliter.  
Total 2

**HB 570 - Senate Amendments** - Representative Shockley moved Senate amendments to **HB 570** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Sliter.  
Total 1

**HB 620 - Senate Amendments** - Representative Devlin moved Senate amendments to **HB 620** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Musgrove.  
Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Cyr.  
Total 1

**HB 643 - Senate Amendments** - Representative Juneau moved Senate amendments to **HB 643** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Harris, Hurdle, Newman, K. Peterson.  
Total 4

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Clancy.  
Total 1

**HJR 31 - Senate Amendments** - Representative Schmidt moved Senate amendments to **HJR 31** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, Brueggeman, Davies, Fuchs, Jackson, Laible, Pattison, Rice, Shockley, Waitschies.  
Total 14

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Haines moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Balyeat.  
Total 1

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 266  
Report No. 2, April 12, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee **on House Bill 266**, met April 12, 2001, and considered:

1. Senate Committee on Judiciary amendments to the third reading copy, dated March 16, 2001.

We recommend that Senate amendments to **House Bill 266** (reference copy – salmon) be accepted by the House.

For the House:

Shockley, Chairman  
P. Clark  
Clancy

For the Senate:

Miller, Chairman  
Kitzenberg  
Stonington

FREE CONFERENCE COMMITTEE  
on House Bill 473  
Report No. 2, April 12, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 473**, met April 11, 2001, and considered:

1. Senate Committee on Natural Resources amendments to the third reading copy, dated March 17, 2001; and
2. Senate Committee of the Whole amendment to the second house, second reading copy, dated March 20, 2001.

We recommend that **House Bill 473** (reference copy – salmon) be amended as follows:

1. Title, line 6.  
**Following:** "THAT"  
**Insert:** "CERTAIN"

2. Page 3, line 23 through line 25.



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

**Following:** "on"

**Strike:** remainder of line 23 through line 25

**Insert:** "parts 1 through 3 of this chapter."

3. Page 3, line 30 through page 4, line 2.

**Following:** "MEASURES"

**Strike:** remainder of line 30 through "MEASURES" on page 4, line 2

**Insert:** "that"

4. Page 4.

**Strike:** line 4

**Insert:** "(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action."

For the House:

Younkin, Chairman  
Gutsche  
Mood

For the Senate:

Crismore, Chairman  
Roush  
Thomas

Majority Leader Sliter moved that the House recess until 12:00 p.m. Motion carried.

House recessed at 11:43 a.m.

House reconvened at 12:00 p.m. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

**MOTIONS**

Representative Forrester moved that the House reconsider its action on **SB 383** and that it be placed on second reading today. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Raser, Schmidt, Schruppf, Sliter, Smith, Tramelli, Tropila, Wanzenried, Mr. Speaker.  
Total 48

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.  
Total 50

Excused: Bookout-Reinicke.

Total 1

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Absent or not voting: Fritz.  
Total 1

Representative K. Peterson requested on **HB 643**, second reading today, that his vote be shown as no. There being no objections, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 33, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 63, as amended by the Senate**, passed as follows:

Ayes: Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 76

Noes: Adams, Andersen, Bales, Balyeat, D. Brown, R. Brown, Brueggeman, Dale, Davies, Esp, Fuchs, Jackson, Kasten, Laible, Laszloffy, Mood, Pattison, Ripley, Sliter, Steinbeisser, Story, Vick, Witt, Mr. Speaker.  
Total 24

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 87, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Bales, Balyeat, Davies, Pattison, K. Peterson, Vick.

Total 6

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby.

Total 1

**HB 94, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Excused: None.  
Total 0

Absent or not voting: Devlin.  
Total 1

**HB 116, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 120, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Balyeat, P. Clark, Curtiss, Dale, Davies, Esp, Jackson, Kasten, Laszloffy, Pattison, Rome, Story, Vick.  
Total 14

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Absent or not voting: Gallus.  
Total 1

**HB 179, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 186, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 62

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Mangan, Newman, Raser, Schmidt, Tramelli, Vick, Waddill, Wanzenried.  
Total 38

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

**HB 201, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 62

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lee, Lenhart, Lindeen, Newman, Noennig, K. Peterson, Raser, Schmidt, Shockley, Story, Tramelli, Waddill.  
Total 38

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 218, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 82

Noes: Adams, Bales, Balyeat, Barrett, Clancy, Curtiss, Davies, Esp, Fisher, Jackson, Kasten, McCann, Mood, Pattison, Rice, Sliter, Vick, Waitschies.  
Total 18

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 230, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Gallik, Laszloffy.

Total 2

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 239, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Younkin.

Total 1

**HB 249, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Eggers.

Total 1

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 265, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 81

Noes: Adams, Balyeat, Brueggeman, Curtiss, Davies, Esp, Fisher, Jackson, Kasten, Laible, Laszloffy, Lewis, Pattison, Rice, Somerville, Steinbeisser, Story, Vick.

Total 18

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 279, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 331, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 353, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery.

Total 73

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Adams, Balyeat, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Fuchs, Himmelberger, Kasten, Laible, Laszloffy, McCann, Mood, Pattison, K. Peterson, Rice, Ripley, Sliter, Steinbeisser, Story, Vick, Waitschies, Younkin, Mr. Speaker.

Total 27

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 362, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Dell, Esp, Gutsche, Harris, Shockley.

Total 5

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

**HB 368, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Gallik, McCann.  
Total 2

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 375, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 95

Noes: Davies, Fuchs, Laszloffy, Vick, Mr. Speaker.  
Total 5

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 381, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Esp, Golie.  
Total 2

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 387, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Gallik, Shockley, Story, Vick.

Total 4

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

**HB 390, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Gallus, Jayne, Kaufmann, Mangan.

Total 4

Voted Absentee: Bookout-Reinicke, Aye.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Excused: None.  
Total 0

Absent or not voting: Buzzas.  
Total 1

**HB 401, as amended by the Senate**, passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Jacobson, Jayne, Juneau, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 70

Noes: Adams, Bales, Balyeat, D. Brown, Brueggeman, Buzzas, P. Clark, Dell, Esp, Fuchs, Gallik, Harris, Himmelberger, Hurdle, Jackson, Jent, Kasten, Kaufmann, Laible, McCann, Noennig, Pattison, K. Peterson, Rice, Ripley, Smith, Steinbeisser, Story, Vick, Waitschies.  
Total 30

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 405, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Absent or not voting: None.  
Total 0

**HB 406, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 89

Noes: Balyeat, Davies, Devlin, Esp, Jackson, Kasten, McKenney, Ripley, Story, Vick, Mr. Speaker.  
Total 11

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 412, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Buzzas, Gallik, Lawson, Steinbeisser.  
Total 5

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

**HB 430, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Haines, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 72

Noes: Balyeat, D. Brown, R. Brown, Brueggeman, Buzzas, P. Clark, Dell, Eggers, Erickson, Esp, Fisher, Gallus, Gillan, Gutsche, Harris, Himmelberger, Hurdle, Kasten, Kaufmann, Laible, Laszloffy, Newman, Pattison, Sliter, Somerville, Steinbeisser, Story, Vick.

Total 28

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 455, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 469, as amended by the Senate**, passed as follows:

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

**HB 472, as amended by the Senate,** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Dale, Kasten, Laible, Laszloffy, McCann, Pattison, Story, Vick.

Total 8

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Schmidt.

Total 1

**HB 498, as amended by the Senate,** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers,



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 510, as amended by the Senate,** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 564, as amended by the Senate,** passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Forrester, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Adams, Balyeat, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, McCann, Newman, Raser, Schmidt, Tramelli, Tropila, Vick, Wanzenried.  
Total 41

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 596, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Eggers, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Adams, Bixby, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lenhart, Lindeen, Mangan, McCann, Musgrove, K. Peterson, Rice, Smith, Somerville, Tramelli, Waddill, Wanzenried.  
Total 40

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Bitney.  
Total 1

**HJR 42** adopted as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schruppf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 74

Noes: Adams, Bales, Balyeat, R. Brown, Brueggeman, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Himmelberger, Jackson, Kasten, Laszloffy, Masolo, McCann, Pattison, Rice, Ripley, Sliter, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.

Total 26

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 44** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: R. Brown, Erickson, Esp, Fritz, Galvin-Halcro, Gutsche, Raser.

Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**SB 80, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 97

Noes: Adams, D. Brown, Kasten.

Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 92, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, Bales, Balyeat, Barrett, Davies, Esp, Pattison, Rice, Ripley, Waitschies.

Total 10

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**SB 168, as amended by the Governor**, concurred in as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Mood, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Smith, Thomas, Waddill, Walters, Whitaker, Wolery, Younkin.

Total 59

Noes: Adams, Andersen, Balyeat, D. Brown, R. Brown, Clancy, P. Clark, Curtiss, Dale, Davies, Dell, Eggers, Esp, Fisher, Forrester, Fuchs, Golie, Himmelberger, Holden, Jackson, Jayne, Kasten, Laszloffy, Lewis, Masolo, McKenney, Olson, Pattison, Rice, Shockley, Sliter, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waitschies,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Wanzenried, Witt, Mr. Speaker.  
Total 41

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 376** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, Mangan, McCann, Newman, Noennig, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 394, as amended by the House**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 83

Noes: Adams, Balyeat, R. Brown, Curtiss, Davies, Devlin, Esp, Jackson, Kasten, Laszloffy, Pattison, K. Peterson, Rice, Steinbeisser, Story, Vick, Waitschies.  
Total 17

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 398, as amended by the House**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Bixby, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Lee, Raser, Waddill, Wanzenried.

Total 19

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: R. Brown.

Total 1

**MOTIONS**

Representative Buzzas requested on Senate amendments to **HB 201**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Lindeen requested on **SB 394**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Somerville requested on Senate amendments to **HB 186**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative K. Peterson requested on Senate amendments to **HB 596**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Jackson requested on Senate amendments to **HB 430**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Representative Bales requested on Senate amendments to **HB 569**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative R. Brown requested on **SB 376**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Laible requested on Senate amendments to **HB 151**, second reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Davies requested on Senate amendments to **HB 401**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 12:32 p.m.

House reconvened at 3:00 p.m. All members present. Quorum present.

**COMMUNICATIONS AND PETITIONS**

***A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA***

**WHEREAS**, the Browning High School Indians boys' basketball team has won the 2001 Class "A" state championship for the first time in 21 years; and

**WHEREAS**, the Browning Indians have shown team discipline and unselfish team play throughout the 2000-2001 season; and

**WHEREAS**, the team has exhibited ongoing sportsmanship, particularly in the state championship tournament games; and

**WHEREAS**, the Browning Indians rebounded from a 5-17 record for the 1999-2000 season to finish 19-7 this year; and

**WHEREAS**, first-year coach, Ray Augare, is himself a graduate of Browning High School; and

**WHEREAS**, Browning High School is located on the Blackfeet Reservation; and

**WHEREAS**, the Browning Indians have set a great example for young people, not only in Montana but throughout the entire Blackfeet Reservation and the entire United States.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA**: that the congratulations of all Montanans be extended to the Browning Indians for their accomplishments.

The proclamation was signed by Senator Glenn Roush and Representative Carol Juneau

***A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA***

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

**WHEREAS**, the Heart Butte boys' basketball team has successfully defended their Class "C" basketball championship this year; and

**WHEREAS**, this year the Warriors scored an impressive 26 wins and 0 losses, making their record for the last two years 51 wins and 2 losses; and

**WHEREAS**, the Heart Butte Warriors have shown exemplary sportsmanship and teamwork on and off the basketball court; and

**WHEREAS**, The Warrior's head coach, Ginnell Day Chief, was among the first graduating class at Heart Butte in 1990; and

**WHEREAS**, Heart Butte School is located on the Blackfeet Reservation with a school enrollment of 99% Native American; and

**WHEREAS**, the Warriors have set a great example for young people not only in Montana but on the Blackfeet Reservation and throughout Indian Country and the entire United States.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the Heart Butte Warriors for their accomplishments.

The proclamation was signed by Senator Glenn Roush and Representatives Linda Holden and Carol Juneau.

***A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA***

**WHEREAS**, the Three Forks Wolves' basketball team has won the 2001 Class "B" state title, the school's first championship in 27 years; and

**WHEREAS**, the Wolves have shown team determination in spite of their small numbers, and have been nicknamed the "Team with Heart" throughout the district; and

**WHEREAS**, the Three Forks Wolves improved upon a third-place berth in the 1999-2000 season; and

**WHEREAS**, the Wolves compiled an impressive 24 wins and 3 losses; and

**WHEREAS**, the team never lost a game to any other Class B team for the year; and

**WHEREAS**, Coach, Mike Sauvageau, also a graduate of Three Forks High School, was assisted by John Briney; and

**WHEREAS**, Center, Travis Williams, was named Most Valuable Player for the tournament.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the Three Forks Wolves for their accomplishments.

The proclamation was signed by Senator Bill Tash and Representative Diane Rice.

***A PROCLAMATION OF THE SENATE AND THE HOUSE OF***



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

**REPRESENTATIVES OF THE STATE OF MONTANA**

**WHEREAS**, the Charles M. Russell High School boys' basketball team has won their second consecutive Class "AA" state championship with a 22-1 record; and

**WHEREAS**, the C. M. R. Rustlers have shown team discipline and unselfish team play throughout the 2000-2001 season; and

**WHEREAS**, the team has exhibited ongoing sportsmanship, particularly in the state championship tournament games; and

**WHEREAS**, the C. M. Russell boys' basketball team is the pride of Great Falls and all of Montana; and

**WHEREAS**, the Rustlers have set a great example for young people, not only in Montana, but throughout the entire United States.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the C. M. R. Rustlers boys' basketball team.

The proclamation was signed by Senators Ryan, Doherty, Franklin, Christiaens, and Cobb and Representatives Tropila, Galvin-Halcro, Golie, Mangan, Callahan, McKenney, Whitaker, and Tramelli.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Haines in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 273 - Senate Amendments** - Representative Erickson moved Senate amendments to **HB 273** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Esp, Rome, Steinbeisser.

Total 3

Excused: None.

Total 0

Absent or not voting: Juneau.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Total 1

**HB 144 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 144** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 86

Noes: Adams, Balyeat, R. Brown, Davies, Devlin, Esp, Pattison, Waitschies, Walters, Witt, Mr. Speaker.

Total 11

Excused: None.

Total 0

Absent or not voting: Fisher, Harris, Hedges.

Total 3

**HB 165 - Senate Amendments** - Representative Gutsche moved Senate amendments to **HB 165** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 256 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 256** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Eggers, Jayne, Newman.

Total 3

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 313 - Senate Amendments** - Representative Masolo moved Senate amendments to **HB 313** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Vick.

Total 1

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Somerville.

Total 2

**HB 320 - Senate Amendments** - Representative Laible moved Senate amendments to **HB 320** be concurred in. Motion **failed** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 70

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Adams, Bixby, Callahan, P. Clark, Cyr, Davies, Eggers, Erickson, Facey, Gallik, Golie, Gutsche, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Newman, Raser, Rome, Tramelli, Vick, Wanzenried.

Total 27

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Forrester, McCann.

Total 3

**HB 340 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 340** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Bixby, Eggers, Gallik, Jayne, Lee.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 382 - Senate Amendments** - Representative Whitaker moved Senate amendments to **HB 382** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 70

Noes: Bixby, Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Newman, Raser, Wanzenried.

Total 28

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Absent or not voting: Gallus, Gillan.  
Total 2

**HB 397 - Senate Amendments** - Representative Jackson moved Senate amendments to **HB 397** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Bixby, P. Clark, Eggers, Jayne, Juneau, Lee, Mangan, Pattison, Tramelli, Waitschies.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 437 - Senate Amendments** - Representative Jacobson moved Senate amendments to **HB 437** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jent, Juneau, Kasten, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, P. Clark, Jackson, Jayne, Kaufmann, Laible, Newman, K. Peterson.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 452 - Senate Amendments** - Representative Whitaker moved Senate amendments to **HB 452** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Story.

Total 1

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HB 600 - Senate Amendments** - Representative Bookout-Reinicke moved Senate amendments to **HB 600** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Hurdle, Kaufmann, Lee, Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**HB 623 - Senate Amendments** - Representative Mangan moved Senate amendments to **HB 623** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 73

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, E. Clark, Curtiss, Davies, Devlin, Esp, Himmelberger, Jackson, Laible, Laszloffy, McCann, Pattison, K. Peterson, Rice, Shockley, Somerville, Steinbeisser, Vick, Waitschies, Walters, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: Harris, Lehman.

Total 2

**HB 293 - Free Conference Committee Report No. 1** - Representative Olson moved the Free Conference Committee report to **HB 293** be adopted. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Raser, Ripley, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery.

Total 59

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Devlin, Esp, Fuchs, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Masolo, McKenney, Mood, K. Peterson, Price, Rice, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**HB 473 - Free Conference Committee Report No. 2** - Representative Younkin moved the Free Conference Committee report to **HB 473** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 40

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Absent or not voting: Kasten, Walters.  
Total 2

**SB 429 - Conference Committee Report No. 1** - Representative Himmelberger moved the Conference Committee report to **SB 429** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 92

Noes: R. Brown, Curtiss, Eggers, Fuchs, Gallik, Tramelli, Mr. Speaker.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

**HB 121 - Senate Amendments** - Representative Mood moved Senate amendments to **HB 121** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 70

Noes: Adams, Balyeat, Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Eggers, Erickson, Facey, Forrester, Golie, Gutsche, Harris, Hurdle, Jackson, Jayne, Jent, Juneau, Kaufmann, Mangan, Matthews, Musgrove, Shockley, Tramelli, Vick, Waddill, Wanzenried.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 390 - Free Conference Committee Report No. 1** - Representative Lawson moved the Free Conference Committee report to **SB 390** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan,



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Balyeat, Davies, Juneau, Shockley, Vick, Walters.

Total 7

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

Representative R. Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Haines moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Bixby, Callahan, Carney, P. Clark, Cyr, Erickson, Esp, Facey, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jent, Juneau, Kaufmann, Lee, Mangan, Newman, Schmidt, Wanzenried, Whitaker.

Total 23

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 216  
Report No. 1, April 12, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 216**, met April 12, 2001, and considered:

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

1. Senate Committee on Judiciary amendments to third reading copy, dated March 6, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 9, 2001; and
3. Senate Committee of the Whole amendments to second house, second reading copy, dated March 10, 2001.

We recommend that **House Bill 216** (reference copy – salmon) be amended as follows:

1. Page 6, line 8.

**Following:** line 7

**Insert:** "NEW SECTION. Section 5. Coordination instruction. If House Bill No. 191 and [this act] are both passed and approved, the insertion of the word "shall" in 45-5-624(3)(a) in House Bill No. 191 is void."

For the House:

Himmelberger, Chairman  
Harris  
K. Peterson

For the Senate:

Holden, Chairman  
Harrington  
Stapleton

FREE CONFERENCE COMMITTEE  
on Senate Bill 390  
Report No. 1, April 12, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 390** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 390** (reference copy – salmon) be amended as follows:

1. Title, line 5.

**Following:** "LAWS;"

**Insert:** "ESTABLISHING A SCHOOL FLEXIBILITY PROGRAM FOR K-12 PUBLIC SCHOOLS; REQUIRING VOTER APPROVAL FOR A LEVY TO INCREASE A DISTRICT'S FUNDS TO SUPPORT THE FLEXIBILITY PROGRAM;"

2. Title, line 18.

**Following:** "RESTRICTIONS;"

**Insert:** "AUTHORIZING A SCHOOL DISTRICT WHOSE CURRENT YEAR GENERAL FUND BUDGET EXCEEDS THE ENSUING YEAR'S MAXIMUM GENERAL FUND BUDGET TO ADOPT A GENERAL FUND BUDGET FOR THE ENSUING YEAR UP TO THE CURRENT YEAR'S GENERAL FUND BUDGET FOR A MAXIMUM OF 5 YEARS; REQUIRING THE TRUSTEES TO GRADUALLY REDUCE THE GENERAL FUND BUDGET BY THE END OF THE 5-YEAR PERIOD;"

3. Title, line 20.

**Following:** "AID;"

**Insert:** "REQUIRING VOTER APPROVAL FOR A LEVY TO FUND TRANSITION COSTS WHEN A SCHOOL DISTRICT OPENS OR CLOSES A SCHOOL OR REPLACES A SCHOOL BUILDING OR WHEN A SCHOOL DISTRICT CONSOLIDATES WITH OR ANNEXES ANOTHER SCHOOL DISTRICT;"

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

4. Title, line 22 through line 23.

**Strike:** "AUTHORIZING" on line 22 through "AVERAGE;" on line 23

5. Title, line 25.

**Following:** "20-9-343,"

**Insert:** "20-9-502,"

6. Title, line 26.

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES AND A RETROACTIVE APPLICABILITY DATE"

7. Page 1.

**Following:** line 28

**Insert:** "NEW SECTION. Section 1. Definitions. As used in [section 2] and this section, the following definitions apply:

(1) "Average student amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 40%;

and

(b) dividing the amount calculated in subsection (1)(a) by the total statewide ANB in the previous fiscal year when averaged with the total statewide ANB for the previous 4 fiscal years.

(2) "Current student amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 20%;

and

(b) dividing the amount calculated in subsection (2)(a) by the total statewide ANB in the previous fiscal year.

(3) "District K-12 public school funding amount" means the K-12 public schools amount multiplied by the number of K-12 public schools in the school district in the fiscal year in which the funding is distributed.

(4) "District large K-12 public school funding amount" means the large K-12 public schools amount multiplied by the number of K-12 public schools with an enrollment of at least 250 students in the school district in the fiscal year in which the funding is distributed.

(5) "District student funding amount" means the current student amount multiplied by a district's ANB for the previous fiscal year plus the average student amount multiplied by a district's ANB for the previous fiscal year when averaged with the district's ANB for the 4 previous fiscal years.

(6) "K-12 public schools amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 15%;

and

(b) dividing the amount calculated in subsection (6)(a) by the number of K-12 public schools that anticipate having students in the fiscal year in which the funding is distributed.

(7) "Large K-12 public schools amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 25%;

and

(b) dividing the amount calculated in subsection (7)(a) by the number of K-12 public schools with an enrollment of at least 250 students that anticipate having students in the fiscal year in which the funding is distributed."

**Insert:** "NEW SECTION. Section 2. School flexibility account -- distribution of funds. (1) There is a school flexibility account in the state special revenue fund. The superintendent of public instruction shall allocate the money in the account, including any interest earned on money allocated to the account, to each school district. Each school district's total allocation is the sum of the district K-12 public school funding amount, the district large K-12 public school funding amount, and the district student funding amount.

(2) In addition to funds allocated or appropriated to the school flexibility account, all money saved by the

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

state if the actual statewide ANB in a given fiscal year is less than the statewide ANB projected by the legislature during the preceding legislative session must be deposited in the school flexibility account."

**Insert:** "NEW SECTION. Section 3. School flexibility fund -- uses. (1)(a) The trustees of a district shall establish a school flexibility fund and may use the fund, in their discretion, for school district expenditures incurred for:

- (i) technological equipment enhancements and expansions considered by the trustees to support enhanced educational programs in the classroom;
- (ii) facility expansion and remodeling considered by the trustees to support the delivery of educational programs or the removal and replacement of obsolete facilities;
- (iii) supplies and materials considered by the trustees to support the delivery of enhanced educational programs;
- (iv) student assessment and evaluation;
- (v) the development of curriculum materials;
- (vi) training for classroom staff considered by the trustees to support the delivery of enhanced educational programs;
- (vii) purchase, lease, or rental of real property that must be used to provide free or reduced price housing for classroom teachers;
- (viii) salaries, benefits, bonuses, and other incentives for the recruitment and retention of classroom teachers and other certified staff, subject to collective bargaining when applicable; or
- (ix) increases in energy costs caused by an increase in energy rates from the rates paid by the district in fiscal year 2001 or from increased use of energy as a result of the expansion of facilities, equipment, or other resources of the district. (b) If the district's ANB calculated for the current fiscal year is less than the ANB for the current fiscal year when averaged with the 4 previous fiscal years, the district may use money from the school flexibility fund to phase in over a 5-year period the spending reductions necessary because of the reduction in ANB.

(2) The trustees of a district shall fund the school flexibility fund with the money allocated under [section 2] and with the money raised by the levy under [section 4].

(3) The financial administration of the school flexibility fund must be in accordance with the financial administration provisions of this title for a budgeted fund."

**Insert:** "NEW SECTION. Section 4. District school flexibility fund levy. (1) In addition to the money allocated in [section 2] for a district's school flexibility fund, the trustees of a school district may submit a proposition to the qualified electors of the district to approve a levy in an amount not to exceed 25% of the district's allocation in [section 2] to fund the school flexibility fund authorized under [section 3]. An election called pursuant to this section must be called and conducted in the manner prescribed by this title for school elections. The ballot for a proposition must provide "FOR" and "AGAINST" provisions, stating whether the district is authorized to impose a levy of (state the dollars) dollars and (state the approximate number of mills) mills to fund the school flexibility fund in the school district. The school flexibility fund proposition is approved if a majority of those electors voting at the election approve the levy.

(2) Money collected from the levy must be deposited in the district's school flexibility fund and spent in accordance with [section 3]."

**Renumber:** subsequent sections

8. Page 9, line 17.

**Strike:** "-- definitions"

9. Page 9, line 30 through page 10, line 1.

**Strike:** the second "up" on page 9, line 30 through "of" on page 10, line 1

10. Page 10, line 2.

**Following:** "years"

**Insert:** ", but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

the 5-year period."

11. Page 10, line 28 through page 11, line 12.

**Strike:** "(c)" on page 10, line 28 through "program." on page 11, line 12

12. Page 11, line 24 through line 30.

**Strike:** subsection (6) in its entirety

13. Page 14.

**Following:** line 9

**Insert:** "Section 18. Section 20-9-502, MCA, is amended to read:

**"20-9-502. Purpose and authorization of a building reserve fund by an election -- levy for school transition costs.** (1) The trustees of any district, with the approval of the qualified electors of the district, may establish a building reserve for the purpose of raising money for the future construction, equipping, or enlarging of school buildings, ~~or~~ for the purpose of purchasing land needed for school purposes in the district, ~~or for the purpose of funding school transition costs as provided in subsection (5).~~ In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies:

(a) the purpose or purposes for which the new or addition to the building reserve will be used;  
(b) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;

(c) the total amount of money that will be raised during the duration of time specified in subsection (1)(b); and

(d) any other requirements under 20-20-201 for the calling of an election.

(2) The total amount of building reserve, ~~less the amount provided for in subsection (5),~~ when added to the outstanding indebtedness of the district may not be more than the limitations provided in 20-9-406. ~~★ Except as provided in subsection (5)(b),~~ a building reserve tax authorization may not be for more than 20 years.

(3) The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in the following form:

OFFICIAL BALLOT

SCHOOL DISTRICT BUILDING RESERVE ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BUILDING RESERVE--YES" if you wish to vote for the establishment of a building reserve (addition to the building reserve); if you are opposed to the establishment of a building reserve (addition to the building reserve) make an X or similar mark in the square before the words "BUILDING RESERVE--NO".

Shall the trustees be authorized to impose an additional levy each year for .... years to establish a building reserve (add to the building reserve) of this school district to raise a total amount of .... dollars (\$....), for the purpose(s) .... (here state the purpose or purposes for which the building reserve will be used)?

☐ BUILDING RESERVE--YES.

☐ BUILDING RESERVE--NO.

(4) The building reserve proposition is approved if a majority of those electors voting at the election approve the establishment of or addition to the building reserve. The annual budgeting and taxation authority of the trustees for a building reserve is computed by dividing the total authorized amount by the specified number of years. The authority of the trustees to budget and impose the taxation for the annual amount to be raised for the building reserve lapses when, at a later time, a bond issue is approved by the qualified electors of the district for the same purpose or purposes for which the building reserve fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the money in the building reserve must be used for such purpose or purposes before any money realized by the bond issue is used.

(5)(a) The trustees may submit a proposition to the qualified electors of the district for a levy to provide funding for transition costs incurred when the trustees:

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

(i) open a new school under the provisions of Title 20, chapter 6;  
(ii) close a school;  
(iii) replace a school building; or  
(iv) consolidate with or annex another district under the provisions of Title 20, chapter 6.  
(b) Except as provided in subsection (5)(c), the total amount the trustees may submit to the electorate for transition costs may not exceed the number of years specified in the proposition times the greater of 5% of the district's maximum general fund budget for the current year or \$250 per ANB for the current year. The duration of the levy for transition costs may not exceed 6 years.  
(c) If the levy for transition costs is for consolidation or annexation:  
(i) the limitation on the amount levied is calculated using the ANB and the maximum general fund budget for the districts that are being combined; and  
(ii) the proposition must be submitted to the qualified electors in the combined district.  
(d) The levy for transition costs may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406."

14. Page 16, line 15.

**Strike:** "5"

**Insert:** "9"

15. Page 17.

**Following:** line 29

**Insert:** "NEW SECTION. Section 22. Extension of 2001 deadlines relating to school elections. In order to allow for the orderly and efficient conduct of the regular school elections scheduled for May 8, 2001, it may not be possible to comply with certain statutory deadlines relating to a school election. Therefore, for the regular school election scheduled for May 8, 2001, all statutory deadlines falling on or before April 13 are extended to April 20, 2001, except that the deadline for making the absentee ballots available is extended to April 25, 2001, and the timeline for posting the election notice is changed to April 20, 2001, through April 30, 2001."

**Renumber:** subsequent section

16. Page 18, line 1.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This]"

**Insert:** "(1) Except as provided in subsection (2), [this]"

**Following:** "2001"

**Insert:** ", and applies to school budgets for the school fiscal years beginning on or after July 1, 2001"

17. Page 18.

**Following:** line 1

**Insert:** "(2) [Sections 22 and 24 and this section] are effective on passage and approval."

**Insert:** "NEW SECTION. Section 24. Retroactive applicability. [Section 22] applies retroactively, within the meaning of 1-2-109, to actions taken by the trustees of a school district on or after March 29, 2001."

For the Senate:

Glaser, Chairman  
Cobb  
McCarthy

For the House:

Lawson, Chairman  
Galvin-Halcro  
Somerville

**MESSAGES FROM THE SENATE**

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

House amendments to Senate bills **not** concurred in:

4/12/2001

**SB 19**, introduced by Halligan

**SB 505**, introduced by Taylor

**SB 506**, introduced by Cobb

**SB 508**, introduced by Cole

**SB 512**, introduced by Halligan

**SB 521**, introduced by Doherty

**HB 124** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 124**:

4/12/2001

Senator R. Johnson, Chairman

Senator Keenan

Senator Stonington

**SB 19** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 19**:

4/12/2001

Senator McNutt, Chairman

Senator Ellis

Senator Ryan

**SB 505** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 505**:

4/12/2001

Senator Cole, Chairman

Senator DePratu

Senator Halligan

**SB 506** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 506**:

4/12/2001

Senator Cole, Chairman

Senator DePratu

Senator Halligan

**HB 508** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 508**:

4/12/2001

Senator Cole, Chairman

Senator DePratu

Senator Halligan

**SB 512** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 512**:

4/12/2001

Senator Cole, Chairman

Senator DePratu

Senator Halligan

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

**SB 521** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 521**:

4/12/2001

Senator McNutt, Chairman  
Senator Ellis  
Senator Ryan

**MOTIONS**

Representative Facey requested on Senate amendments to **HB 382**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Sliter requested on **SB 390**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Fritz requested on Senate amendments to **HB 473**, second reading today, that her vote be shown as no. There being no objections, so ordered.

Representative Mangan requested on **SB 383**, second reading yesterday, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Jent requested on Senate amendments to **HB 320**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Raser moved that **SB 439** be taken from the table in the Committee on Taxation and then placed on second reading Legislative Day 85. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: Davies, Dell, Eggers, Kasten.

Total 4

Representative Gallik moved that the Speaker write a letter to Governor Martz and U.S. Senator Conrad Burns concerning the bankruptcy of W.R. Grace and Company. Motion denied.

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 600**. Motion carried.



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 12, 2001

The Speaker appointed the following members:

Representative Sliter, Chairman  
Representative Bookout-Reinicke  
Representative Raser

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 625**. Motion carried.

The Speaker appointed the following members:

Representative McKenney, Chairman  
Representative Olson  
Representative Musgrove

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 645**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 474**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Friday, April 13, 2001. Motion carried.

House adjourned at 5:42 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 13, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Somerville. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Eggers and Kasten, excused. Quorum present.

Representative Somerville acknowledged Representative Schrumpf's nephew and friend who lost their lives in a fishing boat accident off the coast of Alaska. Representative Schrumpf then played a hymn on the piano.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, and seventy-ninth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/13/2001

Correctly enrolled: **HB 33, HB 57, HB 63, HB 87, HB 94, HB 186, HB 201, HB 218, HB 230, HB 239, HB 249, HB 265, HB 279, HB 331, HB 353, HB 362, HB 368, HB 375, HB 381, HB 387, HB 390, HB 401, HB 405, HB 406, HB 412, HB 430, HB 455, HB 469, HB 472, HB 498, HB 510, HB 564, HB 596.**

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 214  
Report No. 1, April 12, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 214**, met April 12, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 22, 2001.

We recommend that **House Bill 214** (reference copy – salmon) be amended as follows:

1. Title, line 6.

**Following:** "~~ELECTION~~"

**Insert:** "TO BE ELECTED AT THE NOVEMBER 2002 GENERAL ELECTION"

2. Title, line 7.

**Following:** "~~DELAYED~~"

**Strike:** "~~AN~~"

**Insert:** "A DELAYED"

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

**Following:** "~~DATE~~"

**Strike:** "AND AN APPLICABILITY DATE"

3. Page 1, line 21.

**Strike:** "JULY 1, 2001"

**Insert:** "January 1, 2002"

4. Page 1, line 28 through page 2, line 1.

**Strike:** section 3 in its entirety

**Insert:** "NEW SECTION. Section 3. Election of judges. The additional judges for the 8th and 21st judicial districts must be elected at the general election to be held in November 2002 and shall take office in January 2003."

For the House:

Shockley, Chairman  
Gutsche  
Laible

For the Senate:

Berry, Chairman  
Doherty  
Thomas

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 324  
Report No. 1, April 12, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 324**, April 12, 2001, met and considered:

1. Senate Committee on Public Health, Welfare and Safety amendments to third reading copy, dated March 28, 2001.

We recommend that **House Bill 324** (reference copy – salmon) be amended as follows:

1. Page 3, line 24.

**Strike:** "ONLY"

**Strike:** "PROVIDING"

**Insert:** "which includes"

For the House:

Brueggeman, Chairman  
Mangan  
Noennig

For the Senate:

Grimes, Chairman  
Holden  
Jergeson

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 603  
Report No. 1, April 12, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 603**, met April 12, 2001 and considered:

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

1. Senate Committee in Judiciary amendments to third reading copy, dated March 27, 2001.

We recommend that Senate amendments to **House Bill 603** (reference copy – salmon) be accepted by the House.

For the House:

Shockley, Chairman  
P. Clark  
Holden

For the Senate:

Grimes, Chairman  
O'Neil  
Stonington

**MESSAGES FROM THE SENATE**

Senate joint resolution passed and transmitted to the House for concurrence: 4/12/2001

**SJR 21**, introduced by Grosfield

House amendments to Senate bills concurred in: 4/12/2001

**SB 179**, introduced by Zook

**SB 191**, introduced by DePratu

**SB 315**, introduced by Franklin

**SB 445**, introduced by Taylor

House bill concurred in and returned to the House: 4/12/2001

**HB 57**, introduced by Erickson

Conference committee report #1 adopted: 4/12/2001

**HB 118**, introduced by Clancy

**SB 151**, introduced by Mahlum

**SB 185**, introduced by Cobb

**SB 283**, introduced by Waterman

**SB 348**, introduced by Elliott

**SB 423**, introduced by Ellis

**SB 427**, introduced by Johnson

**MESSAGES FROM THE GOVERNOR**

April 12, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Dear Representative McGee:

Please be informed that I have signed **House Bill 30** sponsored by Representative Matthews, **House Bill 109** sponsored by Representative Mangan, **House Bill 213** sponsored by Representative Newman et al., **House Bill 219** sponsored by Representative McKenney et al., **House Bill 346** sponsored by Representative Schruppf et al., **House Bill 377** sponsored by Representative Somerville et al., **House Bill 504** sponsored by Representative Gallik et al., and **House Bill 537** sponsored by Representative Sliter on April 12, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 21**, introduced by Grosfield, Bohlinger, Cole, DePratu, Ekegren, Ellingson, Harrington, Stonington (by request of the Senate Taxation Standing Committee), referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 42, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Davies, Eggers, Jackson, Juneau, Kasten, Pattison, Vick.

Total 9

Voted Absentee: Matthews, Aye; Eggers, Kasten, Noes.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

**HB 73, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Eggers, Gallik, Galvin-Halcro, Golie, Juneau, Kasten, Kaufmann, Lee, Mangan.

Total 9

Voted Absentee: Matthews, Aye; Eggers, Kasten, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 121, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Adams, Balyeat, Bixby, Callahan, P. Clark, Davies, Eggers, Erickson, Facey, Golie, Gutsche, Harris, Hurdle, Jackson, Juneau, Kaufmann, Mangan, Raser, Shockley, Tramelli, Vick, Waddill, Wanzenried.

Total 23

Voted Absentee: Kasten, Matthews, Ayes; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 144, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney,

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Clancy, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 78

Noes: Adams, Balyeat, Bitney, R. Brown, Curtiss, Dale, Davies, Devlin, Esp, Fuchs, Jackson, Laible, Laszloffy, McCann, Pattison, Shockley, Sliter, Steinbeisser, Vick, Waitschies, Walters, Mr. Speaker.

Total 22

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 151, as amended by the Senate**, passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 92

Noes: Adams, Bales, Balyeat, Davies, Jayne, Kasten, Story, Mr. Speaker.

Total 8

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 165, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris,

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Curtiss, K. Peterson.

Total 2

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: Waitschies, Witt.

Total 2

**HB 254, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Bixby, Buzzas, P. Clark, Eggers, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Lee, Mangan, Pattison, Schmidt, Tramelli, Tropila.

Total 21

Voted Absentee: Kasten, Matthews, Ayes; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 256, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood,



HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Jayne, Kaufmann, Shockley, Story.

Total 4

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 261, as amended by the Senate,** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Hurdle, Kaufmann.

Total 2

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 273, as amended by the Senate,** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Total 82

Noes: Adams, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Hedges, Laszloffy, Mood, Pattison, K. Peterson, Ripley, Rome, Sliter, Steinbeisser, Vick, Mr. Speaker.

Total 18

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 293, Free Conference Committee Report No. 1, not adopted as follows:**

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 51

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 295, as amended by the Senate, passed as follows:**

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Noes: Waitschies.  
Total 1

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fritz.  
Total 1

**HB 313, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Balyeat, Vick.  
Total 2

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

**HB 319, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Pattison, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 81

Noes: Adams, Bales, Devlin, Esp, Hedges, Lewis, McKenney, Noennig, Olson, K. Peterson, Rice, Ripley, Steinbeisser, Story, Waddill, Waitschies, Witt, Mr. Speaker.  
Total 18

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HB 320, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Bixby, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Newman, Raser, Rome, Schmidt, Tramelli.

Total 30

Voted Absentee: Kasten, Matthews, Ayes; Eggers, No.

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

**HB 334, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, D. Brown, R. Brown, Davies, Story.

Total 5

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 340, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bixby, Gallik, Gallus, Hurdle, Jayne, Kasten, Lee, McCann, Pattison, Smith, Story.  
Total 11

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 345, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Adams, Balyeat, Davies, Fisher, Jackson, Kasten, Laszloffy, Pattison, Vick, Waitschies.  
Total 10

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Absent or not voting: Newman.  
Total 1

**HB 382, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 68

Noes: Bixby, Buzzas, Callahan, P. Clark, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Newman, Pattison, K. Peterson, Raser, Schmidt, Wanzenried.  
Total 32

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 395, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 85

Noes: Adams, Balyeat, Brueggeman, Davies, Fuchs, Jackson, Kasten, Laszloffy, Lewis, Pattison, Sliter, Steinbeisser, Vick, Waitschies, Mr. Speaker.  
Total 15

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

**HB 397, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Bixby, Hurdle, Jayne, Juneau, Lee, Mangan, Pattison, Smith.

Total 8

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 403, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Gallik, Galvin-Halcro, Gillan, Golie, Haines, Harris, Himmelberger, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schruppf, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Younkin.

Total 62

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Gallus, Hedges, Holden, Jackson, Jayne, Kasten, Laszloffy, Lindeen, Masolo, Mood, Pattison, Rice, Ripley, Shockley, Somerville, Steinbeisser, Story, Vick, Whitaker, Witt, Wolery, Mr. Speaker.

Total 36

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: Fritz, Gutsche.

Total 2

**HB 409, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney,

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Clancy, E. Clark, P. Clark, Curtiss, Cyr, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 80

Noes: Adams, Balyeat, R. Brown, Brueggeman, Dale, Davies, Dell, Esp, Gallus, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, Pattison, Ripley, Story, Vick, Mr. Speaker.

Total 20

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 418, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Dell, Gallus, K. Peterson, Story.

Total 4

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 437, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann,



HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Keane, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 75

Noes: Adams, Balyeat, R. Brown, Brueggeman, Cyr, Davies, Dell, Esp, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, McCann, Newman, K. Peterson, Rice, Steinbeisser, Vick, Waitschies, Witt, Mr. Speaker.

Total 25

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 442, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Adams, R. Brown, Cyr, Davies, Dell, Devlin, Esp, Fisher, Jackson, Kasten, McCann, Newman, Shockley, Story, Vick.

Total 15

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 452, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson,

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, Balyeat, Dale, Davies, Esp, Laible, Laszloffy, Shockley, Steinbeisser, Story, Vick.

Total 11

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 454, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Eggers, Erickson, Juneau, Kaufmann, Smith, Waddill.

Total 6

Voted Absentee: Kasten, Matthews, Ayes; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 463, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Younkin.

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Total 80

Noes: Adams, Balyeat, Brueggeman, Clancy, Curtiss, Dale, Davies, Devlin, Jackson, Kasten, Laszloffy, Mood, Pattison, Sliter, Somerville, Vick, Waitschies, Witt, Wolery, Mr. Speaker.

Total 20

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 473, Free Conference Committee Report No. 2**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 40

Voted Absentee: Kasten, Matthews, Ayes; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 491, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Noes: Adams, Bales, Dale, Davies, Esp, Kasten, Laszloffy, Shockley, Story, Vick, Waitschies.  
Total 11

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 492, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 77

Noes: Adams, Balyeat, D. Brown, Brueggeman, Curtiss, Davies, Devlin, Fisher, Fuchs, Jackson, Kasten, Laible, Laszloffy, Masolo, McCann, Rice, Sliter, Somerville, Steinbeisser, Story, Vick.  
Total 21

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.  
Total 0

Absent or not voting: Mood, Pattison.  
Total 2

**HB 496, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Lee.  
Total 1

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 499, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Fisher, Kasten, Laszloffy, Vick, Waitschies.

Total 6

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 502, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Erickson, Fritz, Galvin-Halcro, Gillan, Gutsche, Hurdle, Kaufmann, Raser.

Total 8

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 517, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Hurdle, Kaufmann, McCann, Pattison, Shockley.  
Total 6

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 526, as amended by the Senate**, passed as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 83

Noes: Adams, Bales, Balyeat, Bitney, Brueggeman, Davies, Jackson, Kasten, Laible, McCann, Ripley, Shockley, Sliter, Steinbeisser, Vick, Waitschies, Mr. Speaker.  
Total 17

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Absent or not voting: None.  
Total 0

**HB 539, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 82

Noes: Adams, R. Brown, Brueggeman, Clancy, Davies, Fisher, Hedges, Hurdle, Jackson, Lewis, McKenney, Rice, Ripley, Rome, Sliter, Steinbeisser, Vick, Waitschies.  
Total 18

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 552, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Brueggeman, Eggers, Gallus, Galvin-Halcro, Gillan, Golie, Hurdle, Newman, Pattison, Sliter, Vick.  
Total 12

Voted Absentee: Kasten, Matthews, Ayes; Eggers, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

**HB 560, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Fuchs.

Total 1

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 563, as amended by the Senate**, passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 86

Noes: Adams, Bales, Balyeat, R. Brown, Cyr, Davies, Holden, Jayne, Kasten, Laslovich, Newman, Ripley, Waitschies, Mr. Speaker.

Total 14

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 569, as amended by the Senate**, passed as follows:



HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Ayes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Buzzas, Dell, Galvin-Halcro, Lenhart, McCann.

Total 5

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Representative Bales expressed a conflict of interest and abstained from voting.

Absent or not voting: Bales.

Total 1

**HB 570, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Masolo, Story.

Total 2

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 578, as amended by the Senate**, passed as follows:

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Fisher, Lawson, Shockley, Somerville.

Total 4

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 620, as amended by the Senate,** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Kasten, Musgrove.

Total 2

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 623, as amended by the Senate,** passed as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan,

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 73

Noes: Adams, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Curtiss, Dale, Davies, Esp, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Mood, Pattison, K. Peterson, Ripley, Shockley, Steinbeisser, Vick, Waitschies, Walters, Mr. Speaker.

Total 27

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 643, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Schmidt, Schrumpf, Sliter, Smith, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 76

Noes: Adams, Bales, Barrett, Bitney, D. Brown, Davies, Devlin, Esp, Fisher, Harris, Jackson, Kasten, Laszloffy, Newman, K. Peterson, Rice, Ripley, Rome, Shockley, Somerville, Steinbeisser, Vick, Waitschies, Witt.

Total 24

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 1, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Adams, Laszloffy, Vick.

Total 3

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 13, as amended by the Senate**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, Branae, R. Brown, Buzzas, Dell, Erickson, Facey, Fritz, Gallik, Gutsche, Hurdle, Juneau, Kaufmann, Lee.

Total 14

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 31, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 73

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Noes: Adams, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Buzzas, P. Clark, Davies, Dell, Esp, Fuchs, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Mangan, McCann, Mood, Rice, Vick, Waitschies, Witt, Mr. Speaker.

Total 27

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 348, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 77

Noes: Bookout-Reinicke, Buzzas, Callahan, Dell, Facey, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Mangan, Newman, Noennig, Pattison, K. Peterson, Steinbeisser, Thomas, Tramelli, Waddill.

Total 23

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 390, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 92

Noes: Adams, Balyeat, Davies, Dell, Kasten, Vick, Walters, Mr. Speaker.

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Total 8

Voted Absentee: Eggers, Matthews, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 429, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: R. Brown, Dell, Fuchs, Gallik, Galvin-Halcro, Gutsche, Hurdle, Lenhart, Tramelli.

Total 9

Voted Absentee: Eggers, Kasten, Matthews, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Newman requested on Senate amendments to **HB 73**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Raser requested on Senate amendments to **HB 382**, second reading yesterday, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Shockley requested on Senate amendments to **HB 570**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Shockley requested on Senate amendments to **HB 623**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Vick requested on Senate amendments to **HB 473**, third reading today, that his vote be shown as yes.

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

There being no objections, so ordered.

Representative Jackson requested on Senate amendments to **HB 452**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Wanzenried requested on Senate amendments to **HJR 31**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Sliter moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 19**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell

Representative Sliter moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 505**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell

Representative Sliter moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 506**. Motion carried.

The Speaker appointed the following members:

Representative Story, Chairman  
Representative Devlin  
Representative Forrester

Representative Sliter moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 508**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell

Representative Sliter moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 512**. Motion carried.

The Speaker appointed the following members:

HOUSE JOURNAL  
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 13, 2001

Representative Story, Chairman  
Representative Devlin  
Representative Forrester

Representative Sliter moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 521**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 4:00 p.m., Monday, April 16, 2001. Motion carried.

House adjourned at 8:45 a.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 16, 2001

House Chambers  
State Capitol

House convened at 4:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Holden. Boy Scout Troop 7 from Laurel, Montana posted the colors. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Erickson, Galvin-Halcro, A. Peterson, Smith, and Somerville, excused. Quorum present.

Representative Holden led the House in singing Happy Birthday to Representatives Bitney and Steinbeisser.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/16/2001

Correctly enrolled: **HB 42, HB 144, HB 254, HB 295, HB 313, HB 319, HB 340, HB 345, HB 473, HB 560, HB 563, HB 569, HB 578, HB 620, HJR 1, HJR 13, HJR 31.**

Examined by the sponsor and found to be correct: **HB 33, HB 63, HB 87, HB 94, HB 186, HB 201, HB 218, HB 239, HB 249, HB 265, HB 279, HB 331, HB 353, HB 362, HB 368, HB 375, HB 381, HB 387, HB 390, HB 401, HB 405, HB 406, HB 412, HB 430, HB 455, HB 469, HB 472, HB 498, HB 510, HB 564, HB 596.**

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 514  
Report No. 1, April 13, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 514** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 514** (reference copy – salmon) be accepted by the Senate.

For the Senate:

For the House:

Berry, Chairman  
Cocchiarella  
Grosfield

Laible  
Wanzenried

April 13, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

Dear Representative McGee:

Please be informed that I have signed **House Bill 7** sponsored by Representative McCann, **House Bill 190** sponsored by Representative Witt, and **House Bill 599** sponsored by Representative Haines on April 13, 2001.

Sincerely,

JUDY MARTZ  
Governor

April 13, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker McGee and President Beck:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 456, "**AN ACT PROVIDING ELIGIBILITY FOR MEDICAID FOR INDIVIDUALS WHO HAVE PARTICIPATED IN THE MONTANA BREAST AND CERVICAL HEALTH PROGRAM AND WHO REQUIRE TREATMENT FOR BREAST OR CERVICAL CANCER, OR BOTH; PROVIDING AN APPROPRIATION FROM THE GENERAL FUND AND REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO INCLUDE FUNDING FOR THE 2005 BIENNIUM EXECUTIVE BUDGET REQUEST FROM THE INCOME ON THE TOBACCO SETTLEMENT TRUST FUND; AMENDING SECTION 53-6-131, MCA; AND PROVIDING AN EFFECTIVE DATE,**" for the following reasons.

I have no objection to the substantive provisions and intent of HB 456. I do, however, object to that portion of the bill "requiring" the Department of Public Health and Human Services to include funding for the program in its executive budget request for the 2005 biennium from the income generated by the tobacco settlement trust fund. I would recommend that Section 2 of the bill be amended to reflect instead a request that the Department consider the inclusion of the program in its 2005 biennium executive budget request. I have attached my amendments to that effect.

Section 2 of HB 456 appropriates approximately \$387,000 from the general fund over the next biennium for purposes of Medicaid match for the treatment of breast and cervical cancer as contemplated by Section 1 of the bill. I have no objection to that portion of the legislation. I do, however, object to that portion of Section 2 that ostensibly mandates specific actions on the part of the executive branch during the executive budget process for the next biennium.

Article VI, Section 9 of the Montana Constitution provides that "[t]he governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail for all operating funds the proposed

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

expenditures and estimated revenue of the state." Under the Constitution, the executive branch is vested with the power and authority to prepare and submit a proposed budget to the legislative branch. Likewise, Article III, Section 1 prohibits the exercise of powers properly belonging to one branch by either of the remaining branches.

In light of our constitutional structure, I believe that the language in Section 2 providing an express directive to the executive branch to include funding for a specific program from a specific source constitutes an infringement by the legislative branch on powers specifically reserved to the executive branch. The authority to establish and submit a proposed budget is vested in the executive branch. The legislative branch, in turn, has full authority to modify that proposed budget as it sees fit through the legislative process, subject only to executive branch veto powers. The legislative branch does not, however, have authority to specifically direct the executive branch as to how it prepares the executive budget proposal.

I am therefore recommending an amendment that would change the current "directive" structure of the language in Section 2 to a "request" by the legislative branch that the executive branch consider this program, as funded by income from the tobacco settlement trust, for inclusion in its budget proposal to the 2003 Legislature. I have no objections to the legislative branch expressing its desire that the program be included in the next executive budget proposal by making a request to that effect in HB 456.

My objections to the current structure of Section 2 should in no way be construed as a lack of support for the program contemplated by HB 456 or as any indication of a lack of present intention to include it in my proposed budget to the 2003 Legislature. I believe that the program is one of great merit and I would certainly hope that it will be proposed for continuation as a part of my next budget. I firmly believe, however, that any decisions as to the program's inclusion in my next budget proposal or the potential funding sources for the program are constitutionally placed in the discretion of the executive branch. My objections in this case are based solely on my desire to respect the integrity of our multi-branch form of government and to maintain the clear lines of authority drawn between our respective branches.

Representative Gutsche, the sponsor of the bill, has been advised of my recommendations.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 456

1. Title, line 7

**Following:** first "AND"

**Strike:** "REQUIRING"

**Insert:** "REQUESTING"

2. Title, line 8

**Following:** "TO"

**Strike:** "INCLUDE"

**Insert:** "CONSIDER THE INCLUSION OF"

3. Page 4, line 18

**Following:** "Department"

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

**Strike:** "shall include"

**Insert:** "is requested to consider for inclusion"

April 13, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker McGee and President Beck:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 609, **"AN ACT ALLOWING THE AGRICULTURAL LANDS ADVISORY COMMITTEE MORE DISCRETION IN DETERMINING THE UNDERLYING BASIS FOR ITS RECOMMENDATIONS FOR AGRICULTURAL PRODUCTIVE LAND VALUES FOR PROPERTY TAX PURPOSES; AND AMENDING SECTION 15-7-201, MCA"** for the following reasons.

I am in full agreement with the objectives of HB 609 and with its specific measures. I recommend, however, that the bill be amended to replace the maximum allowable water costs for irrigated land, albeit at a higher level than current law. I have enclosed my recommended amendment to that effect.

As you know, agricultural costs are deducted from gross income in valuing irrigated land for tax purposes. The reduction for water costs allows the irrigated land sector to receive assessment reductions that other agricultural sectors (i.e., grazing, hayland, dryland farming) do not receive. Moreover, irrigated land uses alfalfa as the base crop for valuation. Therefore, irrigated land assessments do not necessarily provide an accurate reflection of high income grossing crops such as irrigated beets and potatoes. These crops can incur higher water costs than irrigated alfalfa (the base crop) and still produce a positive net income.

Farmers would not irrigate their land if they could produce greater net income from dryland farming. To assess irrigated land at the same rate as a neighbor's non-irrigated farmland with comparable productivity would be inequitable. Thus, while I am in full agreement that an increase in the amount of allowable water costs is warranted, I do not believe that an entire removal of the limit is appropriate. Such a removal could potentially lead to the situation referenced above where irrigated land values would be lower than non-irrigated land with comparable productivity. Accordingly, I recommend that the limit on allowable water costs be reinstated in the law, albeit at \$40 instead of the current \$35.

Representative Story, the sponsor of the bill, is aware of and agrees with my recommendation.

Sincerely,

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 609

1. Page 2, line 14

**Following:** "land."

**Insert:** "Total allowable water costs may not exceed \$40 for each acre of irrigated land."

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ripley in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 495 - Senate Amendments** - Representative Olson moved Senate amendments to **HB 495** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Erickson, Galvin-Halcro, A. Peterson, Smith, Somerville, Ayes.

Excused: None.

Total 0

Absent or not voting: Price.

Total 1

Representative Price excused at this time.

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

**HB 521 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 521** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Fuchs.  
Total 1

Voted Absentee: Erickson, Galvin-Halcro, A. Peterson, Price, Smith, Somerville, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 531 - Senate Amendments** - Representative Waitschies moved Senate amendments to **HB 531** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Buzzas, Fritz, Gutsche, Hurdle, Juneau, Kaufmann, Laslovich, Lee, Mangan, Wanzenried.  
Total 10

Voted Absentee: Erickson, Galvin-Halcro, A. Peterson, Price, Smith, Somerville, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke.  
Total 1

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

**HB 583 - Senate Amendments** - Representative Esp moved Senate amendments to **HB 583** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Erickson, Galvin-Halcro, A. Peterson, Price, Smith, Somerville, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 589 - Senate Amendments** - Representative Facey moved Senate amendments to **HB 589** be concurred in.  
Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Adams, Bales, Balyeat, Barrett, Davies, Jackson, Laible, Rome, Vick, Walters.  
Total 10

Voted Absentee: Erickson, Galvin-Halcro, A. Peterson, Price, Smith, Somerville, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Gillan, Hurdle, Wanzenried.  
Total 3

Excused: Erickson, Galvin-Halcro, A. Peterson, Price, Smith, Somerville.  
Total 6

Absent or not voting: Fritz, Gallik, Sliter, Story.  
Total 4

**MOTIONS**

Representative Holden requested on **SB 390**, third reading Legislative Day 84, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Sliter moved that the conference committee on **HB 600** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **HB 600**. Motion carried.

The Speaker appointed the following members:

Representative Story, Chairman  
Representative Devlin  
Representative Forrester

Representative Golie moved that the House reconsider its action on the conference committee report of **HB 293** and that it be placed on third reading today. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Facey, Forrester, Fritz, Gallik, Gallus, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Schmidt, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman,



HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 16, 2001

Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 56

Voted Absentee: A. Peterson, Price, Somerville, Noes.

Excused: Erickson, Galvin-Halcro, Smith.  
Total 3

Absent or not voting: P. Clark.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:00 a.m., Tuesday, April 17, 2001. Motion carried.

House adjourned at 4:35 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 17, 2001

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Fuchs. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Erickson, excused. Quorum present.

The Speaker introduced the pages of the week:

Josh Richards, Lolo  
Dan Goss, Sidney  
Letty Powell, Harrison  
Sarah Henning, Hall  
Cara Stetson, Helena  
Austin Mapston, Denton  
Woodie Tatz-Morey, Helena  
Marisa Orser, Helena  
Ben Kovanda, Columbus  
Robert Brock, Butte

Mr. Speaker introduced the honorary pages of the week:

Even Derks, Denton  
Cole Derks, Denton  
Whitney Derks, Denton

**COMMUNICATIONS AND PETITIONS**

***A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA***

***WHEREAS***, on November 17, 2000 the Capital High School Bruin football team claimed their second consecutive state football championship by prevailing over the Kalispell Braves 35-6; and

***WHEREAS***, the Capital High Bruins were again undefeated in the season for a total of 24 consecutive wins; and

***WHEREAS***, the group of seniors on the 2000 Bruin football team have not lost a game in four years; and

***WHEREAS***, the goal of the seniors on the 2000 football team was to win the state championship; and

***WHEREAS***, ten seniors will be playing college football next season on a scholarship; and

***WHEREAS***, 25 of 67 team members or 37 percent of the entire team made Academic All State honors; and

***WHEREAS***, two team members received All-American mention; and

***WHEREAS***, Coach Mark Samson received his second Coach of the Year award in AA football.

***NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES***

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the Capital High School Bruins for their accomplishments.

The proclamation was signed by Senators Tom Beck and Ken Toole and Representatives Hal Jacobson and Dave Lewis.

Representative Lewis and Jacobson introduced Coach Samson and the Bruin football players.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/17/2001

Correctly enrolled: **HB 73, HB 116, HB 120, HB 121, HB 151, HB 165, HB 179, HB 256, HB 261, HB 273, HB 320, HB 334, HB 382, HB 395, HB 397, HB 399, HB 403, HB 409, HB 418, HB 437, HB 442, HB 452, HB 454, HB 463, HB 491, HB 492, HB 496, HB 499, HB 500, HB 502, HB 517, HB 526, HB 539, HB 552, HB 570, HB 623, HB 643.**

Examined by the sponsor and found to be correct: **HB 42, HB 73, HB 116, HB 120, HB 121, HB 144, HB 151, HB 165, HB 179, HB 230, HB 254, HB 256, HB 261, HB 295, HB 313, HB 319, HB 320, HB 334, HB 340, HB 345, HB 382, HB 395, HB 397, HB 399, HB 403, HB 409, HB 418, HB 437, HB 442, HB 452, HB 454, HB 463, HB 473, HB 491, HB 492, HB 496, HB 499, HB 500, HB 502, HB 517, HB 526, HB 539, HB 552, HB 560, HB 563, HB 569, HB 570, HB 578, HB 620, HB 623, HB 643, HJR 1, HJR 13, HJR 31.**

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 559  
Report No. 2, April 13, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 559**, met April 12, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 27, 2001.

We recommend that **House Bill 559** (reference copy – salmon) be amended as follows:

1. Page 1, line 15.

**Strike:** "~~MOBILE HOME SPACE RENTALS EXEMPTED~~"

2. Page 1, lines 15 and 17.

**Strike:** "70-24-436" on line 15 through "HOME" on line 17

**Insert:** "this chapter"

3. Page 1, line 25.

**Strike:** "WITHIN THE NOTICE PERIOD"

**Insert:** "before the date specified in the notice"

4. Page 2, line 6.

**Strike:** subsection (D) in its entirety

**Renumber:** subsequent subsections

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

5. Page 2, line 7.

**Following:** "(1)(b)"

**Strike:** " 1 "

**Insert:** "or"

**Strike:** "OR (1)(D)."

6. Page 2, following line 14.

**Insert:** "(f) This subsection (1) does not apply to a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home."

7. Page 2, line 19.

**Following:** "z"

**Insert:** "This subsection does not apply to a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home."

8. Page 3, following line 1.

**Insert:** "(6) Subsections (3) through (5) apply to all rental agreements, including those involving a tenant who rents space for a mobile home but does not rent the mobile home."

**Renumber:** subsequent subsections

9. Page 3, following line 4.

**Insert:** "(a) the rental agreement does not involve a tenant who rents space for a mobile home but does not rent the mobile home; and"

10. Page 3, line 5.

**Following:** "~~(B)~~"

**Insert:** "(b)"

11. Page 3, lines 7 and 8.

**Strike:** subsection (7) in its entirety

12. Page 3, line 22.

**Strike:** "15"

**Insert:** "7 calendar"

13. Page 3, line 30.

**Following:** "park"

**Insert:** ", its manager, or its owner, the notice period is 24 hours;"

14. Page 4, lines 1 through 3.

**Strike:** "IF" on line 1 through "DAYS;" on line 3

15. Page 6, lines 3 through 10.

**Strike:** subsections (4) through (6) in their entirety

For the House:

Noennig, Chairman  
Laible  
Matthews

For the Senate:

Miller, Chairman  
Christiaens  
Grimes

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

FREE CONFERENCE COMMITTEE  
on House Bill 605  
Report No. 1, April 13, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 605**, met April 12, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 29, 2001.

We recommend that **House Bill 605** (reference copy – salmon) be amended as follows:

1. Title, line 15 through line 16.

**Strike:** "AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Title, line 16.

**Following:** "AN"

**Insert:** "IMMEDIATE"

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

3. Page 3, line 29.

**Following:** "by "

**Strike:** "ordinance"

**Insert:** "rule, ordinance,"

4. Page 4, line 9.

**Following:** "of"

**Strike:** "an ordinance"

**Insert:** "a rule, ordinance,"

5. Page 4, line 11.

**Following:** "(4)(a)"

**Strike:** "The board may approve and a"

**Insert:** "A"

**Following:** "may"

**Strike:** "adopt an ordinance"

**Insert:** ", subject to approval by the board, adopt a rule, ordinance,"

6. Page 4, line 12 through line 13.

**Strike:** "under" on line 12 through "law" on line 13

7. Page 4, line 28.

**Following:** "by"

**Strike:** "an ordinance"

**Insert:** "a rule, ordinance,"

8. Page 5, line 1.

**Following:** "the"

**Strike:** "ordinance"

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**Insert:** "rule, ordinance,"

9. Page 5, line 2.

**Following:** "that the"

**Strike:** "ordinance"

**Insert:** "rule, ordinance,"

10. Page 5, line 4.

**Following:** "the"

**Strike:** "ordinance"

**Insert:** "rule, ordinance,"

11. Page 6, line 16.

**Following:** "revised"

**Strike:** "ordinances"

**Insert:** "rules, ordinances,"

12. Page 6, line 20.

**Following:** "RELATED TO"

**Strike:** "ORDINANCES"

**Insert:** "rules, ordinances,"

13. Page 6, line 22.

**Following:** "OF"

**Strike:** "AN ORDINANCE"

**Insert:** "a rule, ordinance,"

14. Page 7, line 1.

**Strike:** "(13)(E)"

**Insert:** "(13)(f)"

15. Page 7, line 3 through line 4.

**Following:** "ACTION."

**Strike:** remainder of line 3 through "LANGUAGE." on line 4

**Insert:** "The rationale must:

(A) include an explanation of why the intended action is reasonably necessary to implement the goals and purposes of the local air pollution control program;

(B) specifically address those intended actions for which there are no similar state or federal regulations or guidelines; and

(C) be written in plain, easily understood language.

(d) For the purposes of subsection (13)(c)(v), a statement of authority to adopt a rule, ordinance, or local law does not, standing alone, constitute a showing of reasonable necessity for the intended action."

**Renumber:** subsequent subsections

16. Page 7, line 5.

**Following:** "PROPOSED"

**Strike:** "ORDINANCE"

**Insert:** "rule, ordinance,"

17. Page 7, line 8.

**Strike:** "25"

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**Insert:** "10"  
**Following:** "PROPOSED"  
**Strike:** "ORDINANCE"  
**Insert:** "rule, ordinance,"

18. Page 7, line 13.  
**Following:** "PROPOSED"  
**Strike:** "ORDINANCE"  
**Insert:** "rule, ordinance,"

19. Page 7.  
**Following:** line 15  
**Insert:** "NEW SECTION. Section 3. Applicability. [Section 2] does not apply to proposals for new rules, ordinances, or local laws that have been noticed to the public and submitted to the local air pollution control program governing body before [the effective date of this act]."  
**Renumber:** subsequent section

20. Page 7, line 17.  
**Strike:** "MAY 1, 2003"  
**Insert:** "on passage and approval"

For the House:

Mood, Chairman  
Clancy  
Matthews

For the Senate:

Crismore, Chairman  
Nelson  
Tash

**MESSAGES FROM THE SENATE**

House amendments to Senate bills concurred in:

4/13/2001

**SB 65**, introduced by Ellis  
**SB 129**, introduced by Berry  
**SB 134**, introduced by Miller  
**SB 258**, introduced by Bohlinger  
**SB 263**, introduced by Mahlum  
**SB 264**, introduced by Waterman  
**SB 281**, introduced by Mahlum  
**SB 303**, introduced by Hargrove  
**SB 346**, introduced by Cobb  
**SB 350**, introduced by Ellingson  
**SB 393**, introduced by Thomas  
**SB 429**, introduced by Sprague  
**SB 483**, introduced by Christiaens  
**SB 484**, introduced by Beck  
**SB 494**, introduced by Cobb  
**SB 510**, introduced by Stapleton

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

4/13/2001

**HJR 39**, introduced by Shockley

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Governor's amendments to House bills concurred in and returned to the House: 4/13/2001

**HB 399**, introduced by McKenney  
**HB 500**, introduced by Wanzenried

Free conference committee report #1 adopted: 4/13/2001

**HB 459**, introduced by Mood  
**HB 473**, introduced by Younkin  
**HB 543**, introduced by R. Brown  
**HB 572**, introduced by Bales  
**HJR 32**, introduced by Bixby  
**SB 327**, introduced by Doherty  
**SB 390**, introduced by Cobb  
**SB 437**, introduced by Cole

**HB 5** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 5**:  
4/13/2001

Senator Tash, Chairman  
Senator Stapleton  
Senator Tester

**HB 41** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 41**:  
4/13/2001

Senator Keenan, Chairman  
Senator Jergeson  
Senator Miller

**HB 474** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 474**:  
4/13/2001

Senator McNutt, Chairman  
Senator Ellis  
Senator Ryan

**HB 600** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 600**:  
4/13/2001

Senator Cole, Chairman  
Senator DePratu  
Senator Halligan

**HB 632** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 632**:  
4/13/2001

Senator McNutt, Chairman  
Senator Ellis  
Senator Ryan



HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**HB 644** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 644**:

4/13/2001

Senator DePratu, Chairman  
Senator Ekegren  
Senator Harrington

**HB 645** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 645**:

4/13/2001

Senator McNutt, Chairman  
Senator Ellis  
Senator Ryan

**HB 646** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 646**:

4/13/2001

Senator Cole, Chairman  
Senator DePratu  
Senator Halligan

**MESSAGES FROM THE GOVERNOR**

April 16, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 10** sponsored by Representative Kasten, **House Bill 12** sponsored by Representative Haines, **House Bill 29** sponsored by Representative Noennig, **House Bill 38** sponsored by Representative Schmidt, **House Bill 195** sponsored by Representative Wolery et al., **House Bill 332** sponsored by Representative Dale et al., **House Bill 408** sponsored by Representative Schmidt, **House Bill 419** sponsored by Representative Shockley, **House Bill 444** sponsored by Representative Somerville et al., **House Bill 451** sponsored by Representative Golie et al., **House Bill 461** sponsored by Representative Shockley, **House Bill 468** sponsored by Representative Galvin-Halcro, **House Bill 477** sponsored by Representative Kasten et al., **House Bill 488** sponsored by Representative Wolery et al., **House Bill 505** sponsored by Representative Dell, **House Bill 529** sponsored by Representative Pattison et al., **House Bill 533** sponsored by Representative Vick et al., and **House Bill 626** sponsored by Representative McCann et al. on April 16, 2001.

Sincerely,

JUDY MARTZ  
Governor

**SPECIAL ORDERS OF THE DAY**

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

The Flathead Valley Home School Senior Choir, directed by Alison Kuechmann, performed for the House. The choir was organized four years ago and has one hundred and ten students ranging in ages from five to eighteen. Thirty-one of these students sang today.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 2 - Senate Amendments** - Representative Somerville moved Senate amendments to **HJR 2** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 37

Voted Absentee: Erickson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 4 - Senate Amendments** - Representative Witt moved Senate amendments to **HB 4** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Barrett, Esp, Kasten, Masolo, Newman, Pattison, Rome, Vick.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Total 9

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 6 - Senate Amendments** - Representative McCann moved Senate amendments to **HB 6** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Balyeat, Fuchs.

Total 2

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 9 - Senate Amendments** - Representative Kasten moved Senate amendments to **HB 9** be concurred in.  
Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Buzzas, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Haines, Hedges, Holden, Jackson, Jayne, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 71

Noes: Balyeat, Branae, R. Brown, Brueggeman, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Forrester, Gallik, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jent, Kaufmann, Lenhart, Lindeen, Mangan, Raser, Smith, Tramelli, Wanzenried.

Total 29

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Voted Absentee: Erickson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 11 - Senate Amendments** - Representative Kasten moved Senate amendments to **HB 11** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Eggers, Gallik, Hurdle, Jacobson, Kaufmann.

Total 5

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Lindeen, Mood, Sliter.

Total 3

**HB 47 - Governor's Amendments** - Representative Price moved Governor's amendments to **HB 47** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Bixby, Buzzas, P. Clark, Eggers, Gallik, Gillan, Golie, Hurdle, Juneau, Kaufmann, Schmidt.

Total 11

Voted Absentee: Erickson, Aye.

Excused: None.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Total 0

Absent or not voting: Lindeen, Sliter.

Total 2

Representative Golie moved consideration of **HB 619** be placed at the bottom of the second reading board. Motion carried.

**HB 628 - Senate Amendments** - Representative Wolery moved Senate amendments to **HB 628** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HJR 19 - Senate Amendments** - Representative Curtiss moved Senate amendments to **HJR 19** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila.

Total 34

Voted Absentee: Erickson, No.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Excused: None.  
Total 0

Absent or not voting: Sliter.  
Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 65

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 32

Excused: Erickson.  
Total 1

Absent or not voting: Fisher, Gillan.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 495, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Bixby, Gallik, Raser, Smith.  
Total 4

Voted Absentee: Erickson, Aye.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 521, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 531, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: Buzzas, Eggers, Fritz, Gutsche, Harris, Kaufmann, Lee, Mangan.  
Total 8

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Total 0

**HB 583, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

**HB 589, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Schmidt, Schrumpf, Shockley, Sliter, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Adams, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, Davies, Dell, Himmelberger, Jackson, Kasten, Laible, Lawson, McCann, Noennig, Pattison, Ripley, Rome, Smith, Somerville, Steinbeisser, Vick, Walters.

Total 25

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF SELECT COMMITTEES**



HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 119  
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 119**, met April 17, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 7, 2001.

We recommend that Senate amendments to **House Bill 119** (reference copy – salmon) be accepted by the House.

For the House:

Shockley, Chairman  
Newman  
Noennig

For the Senate:

Wells, Chairman  
Beck  
Shea

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 612  
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 612**, met April 17, 2001, and considered:

1. Senate Committee on State Administration amendments to third reading copy, dated March 23, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 27, 2001.

We recommend that **House Bill 612** (reference copy – salmon) be amended as follows:

1. Title, line 18 through line 23.

**Strike:** "PROVIDING" on line 18 through "ELECTION;" on line 23

**Insert:** "AND"

2. Title, line 25 through line 26.

**Strike:** "AND PROVIDING EFFECTIVE DATES"

3. Page 8, line 2.

**Strike:** "OR BUSINESS"

4. Page 9, line 2.

**Strike:** "OR BUSINESS"

5. Page 10, line 5.

**Strike:** "OR BUSINESS"

6. Page 11, line 8.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**Strike:** "OR BUSINESS"

7. Page 13, line 26 through page 22, line 6.

**Strike:** section 15 through section 35 in their entirety

For the House:

R. Brown, Chairman  
Barrett  
Dell

For the Senate:

Ellis, Chairman  
Glaser  
Shea

**MOTIONS**

Representative R. Brown moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 322**. Motion carried.

The Speaker appointed the following members:

Representative Kasten, Chairman  
Representative Himmelberger  
Representative Lindeen

Representative Jayne requested on Senate amendments to **HJR 19**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Gillan requested on Senate amendments to **HB 521**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Tropila requested on Senate amendments to **HB 531**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Committee meetings were announced by committee chairmen.

Representative R. Brown moved that the House recess until 4:00 p.m. Motion carried.

House recessed at 12:57 p.m.

House reconvened at 4:00 p.m. All members present, except Representative Dale and Erickson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/17/2001

Signed by the Speaker at 3:58 p.m., April 17, 2001: **HB 261, HB 319**.

Delivered to the Governor for approval at 4:25 p.m., April 17, 2001: **HB 261, HB 319**.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 441  
Report No. 1, April 17, 2001

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 441** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 441** (reference copy – salmon) be amended as follows:

1. Page 1, line 12 through line 26.

**Strike:** "WHEREAS" on line 12 through "MCHA." on line 26

2. Page 2, line 3.

**Following:** "directors"

**Insert:** "and the entities listed in subsection (2)"

3. Page 2.

**Following:** line 5

**Insert:** "(a) the need for alternative funding options;"

**Renumber:** subsequent subsections

4. Page 2, line 6.

**Following:** the first "the"

**Insert:** "adequacy of the"

5. Page 2, line 8.

**Following:** "association"

**Insert:** "and the individuals covered by the program"

6. Page 2.

**Following:** line 13

**Insert:** "(a) the association board of directors;"

**Renumber:** subsequent subsections

7. Page 2, line 14.

**Following:** "(a)"

**Insert:** "health-related"

8. Page 2, line 17.

**Strike:** line 17 in its entirety

**Renumber:** subsequent subsections

9. Page 2, line 21.

**Strike:** "and"

10. Page 2, line 22.

**Following:** "community"

**Insert:** "; (j) a representative from a multiple employer welfare arrangement; and  
(k) a member of the legislature"

11. Page 2, line 23.

**Following:** "association"

**Insert:** "and the entities listed in subsection (2)"

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**Strike:** "a proposal"

**Insert:** "alternative proposals and associated justification"

For the Senate:

Grimes, Chairman  
Christiaens

For the House:

Laible, Chairman  
Matthews  
Price

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 457  
Report No. 1, April 17, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 457** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 457** (reference copy – salmon) be amended as follows:

1. Title, line 5.

**Strike:** "20"

**Insert:** "25"

2. Page 1, line 16.

**Strike:** "20%"

**Insert:** "25%"

For the Senate:

Glaser, Chairman  
Ryan  
Stapleton

For the House:

Olson, Chairman  
Branæ  
Walters

April 17, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Beck and Speaker McGee:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

hereby return with amendments Senate Bill 82, "AN ACT REVISING THE LAWS RELATING TO THE PUBLIC MENTAL HEALTH SYSTEM AND MANAGED CARE; CONSOLIDATING MANAGED HEALTH CARE ENTITY FINANCIAL SOLVENCY PROVISIONS UNDER THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REDEFINING "MANAGED CARE COMMUNITY NETWORK"; REORGANIZING CERTAIN MENTAL HEALTH MANAGED CARE LAWS AND PUBLIC MENTAL HEALTH SYSTEM LAWS; PROVIDING A REQUIREMENT FOR A SYSTEM OF TRACKING CHILDREN WHO NEED MENTAL HEALTH SERVICES; REORGANIZING ELIGIBILITY FOR PUBLIC MENTAL HEALTH SERVICES; AMENDING sections 33-31-115, 53-6-116, 53-6-131, 53-6-701, 53-6-702, 53-6-703, 53-21-701 and 53-21-702, MCA; AND REPEALING SECTION 53-21-704, MCA," for the following reasons.

I have no concerns with the objectives of SB 82, nor with its specific measures. I recommend, however, that two of the sections relating to eligibility be modified from 150% to 160% of the federal poverty threshold to coordinate with my intentions with respect to eligibility for the CHIP program. I have enclosed my amendment to that effect.

As you know, SB 82 originally proposed a maximum eligibility threshold of 200%, which was subsequently amended to 150%. It is my intention, however, to seek additional funding in HB 2 for an adjustment of the CHIP eligibility measure from 150% to 160% of the poverty threshold. Accordingly, my proposed amendment to SB 82 is simply intended to coordinate that gesture with the eligibility requirements for managed and public mental health care. To the extent that the eligibility requirements must ultimately be established by the department to correspond with available funding, any adjustment of the eligibility "ceiling" by 10% will have no effect unless additional funding is secured in HB 2. If that additional funding is not secured, the department will still have to establish eligibility at or below 150% to conform to the funding level.

Accordingly, my recommendation is intended to simply provide the flexibility to address the possible increase in the CHIP eligibility standard. Senator Keenan, the sponsor of the bill, has been advised of my recommendation and has no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 82

1. Page 8, line 1  
**Strike:** "150%"  
**Insert:** "160%"
2. Page 11, line 10  
**Strike:** "150%"  
**Insert:** "160%"

April 17, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, MT 59620

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Beck and Speaker McGee:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 274, **"AN ACT REQUIRING AN INSURANCE INSTITUTION, ~~INSURANCE PRODUCER~~, OR INSURANCE-SUPPORT ORGANIZATION TO DISCLOSE SPECIFIC UNDERWRITING INFORMATION TO CERTAIN ENTITIES THAT HAVE OBTAINED OR THAT ADMINISTER GROUP HEALTH PLANS PROVIDED BY THEM; ~~AND~~ PROVIDING THAT THE INFORMATION DISCLOSED MAY NOT INCLUDE ANY PERSONAL INFORMATION PERTAINING TO AN INDIVIDUAL COVERED BY AN ENTITY'S GROUP PLAN; AND PROVIDING THAT THE INFORMATION MAY BE REQUESTED ONCE PER YEAR,"** for the following reasons.

I have no concerns with the objectives of SB 274, or with its specific measures. I have, however, been asked by its sponsor, Senator Bob Keenan, to recommend an amendment to the bill that will conform it to what he understood was the intention of an amendment made to the bill in the House. I have enclosed my amendment to that effect.

As you know, SB 274 requires insurance institutions and insurance-support organizations to provide certain underwriting information to entities (i.e., associations sponsoring group health programs for members, self-insured groups, MEWA's, etc.) that secure coverage from the institutions/support-organizations. Senator Keenan has advised me that, when he agreed to the insertion of the language currently found in Section 1, ¶ 4 of the bill, he was under the impression that it would simply be added to the existing language in that provision. It was instead substituted for the existing language. Accordingly, I am recommending an amendment that will insert the original ¶ 4 language, with slight modification (substitution of the word "reasonable" for "enough"), as a new ¶ 5 in Section 1.

As noted above, the sponsor of this bill, Senator Keenan, has requested this amendatory recommendation. He has reviewed my proposal and agrees that it should be adopted by the Legislature.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 274

1. Page 2, line 9

**Insert:** "(5) An association provided for in subsection (2)(a) must be provided with reasonable information by its insurance institution or insurance support organization to enable the association to receive a bid or quote for coverage from other insurance entities."

April 17, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Helena, MT 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Beck and Speaker McGee:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 338, **"AN ACT REVISING THE ELIGIBILITY CAP FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM TO 150 PERCENT OF THE FEDERAL POVERTY LEVEL; PROVIDING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES WITH THE ABILITY TO LIMIT THE AMOUNT, SCOPE, OR DURATION OF SERVICES; ALLOWING THE DEPARTMENT TO MAKE DIRECT PAYMENTS TO HEALTH CARE PROVIDERS AND CONTRACT ON A FEE-FOR-SERVICES BASIS; AMENDING SECTIONS 53-4-1002, 53-4-1004, 53-4-1005, 53-4-1007, AND 53-4-1009, MCA; AND PROVIDING AN EFFECTIVE DATE,"** for the following reasons.

I have no concerns with the objectives of SB 338, nor with its specific measures. I recommend, however, that the eligibility figure be modified from 150% to 160% of the federal poverty threshold to coordinate with my intentions with respect to securing additional funding for the CHIP program. I have enclosed my amendment to that effect.

As you know, SB 338 originally proposed a maximum eligibility threshold for the CHIP program of 200%, which was subsequently amended to 150%. It is my intention, however, to seek additional funding in HB 2 for an adjustment of the CHIP eligibility measure from 150% to 160% of the poverty threshold. Accordingly, my proposed amendment to SB 338 is simply intended to coordinate the eligibility requirements in the statutory provisions specifically dealing with CHIP. To the extent that the eligibility requirements must ultimately be established by the department to correspond with available funding, any adjustment of the eligibility "ceiling" by 10% will have no effect unless additional funding is secured in HB 2. If that additional funding is not secured, the department will still have to establish eligibility at or below 150% to conform to the funding level.

Accordingly, my recommendation is intended to simply provide the flexibility to address the possible increase in the CHIP eligibility standard. Senator Berry, the sponsor of the bill, has been advised of my recommendation and has no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 338

1. Title, line 5

**Strike:** "150"

**Insert:** "160"

2. Page 2, line 6

**Strike:** "150%"

**Insert:** "160%"

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative R. Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative P. Clark in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 619 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 619** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Erickson, Aye.

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

**HB 3 - Senate Amendments** - Representative Fisher moved Senate amendments to **HB 3** be concurred in. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 68

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Himmelberger, Jackson, Juneau, Kasten, Laible, Laszloffy, Lehman, Lewis, Rice, Ripley, Rome, Sliter, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.

Total 32

Voted Absentee: Dale, Erickson, Ayes.



HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13 - Senate Amendments** - Representative Lewis moved Senate amendments to **HB 13** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Balyeat, Curtiss, Davies, Esp, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Pattison, Rice, Story, Vick, Waitschies.  
Total 15

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 69 - Senate Amendments** - Representative McCann moved Senate amendments to **HB 69** be concurred in.

Representative McCann moved consideration of **HB 69** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 516 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 516** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 93

Noes: Adams, Davies, Himmelberger, Kasten, Laible, Masolo, Rice.  
Total 7

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 637 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HB 637** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**HJR 39 - Senate Amendments** - Representative Shockley moved Senate amendments to **HJR 39** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Jayne, Mangan.

Total 2

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Total 0

Absent or not voting: Tramelli.

Total 1

**HB 348 - Governor's Amendments** - Representative Shockley moved Governor's amendments to **HB 348** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rome, Schmidt, Schrumpf, Shockley, Smith, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 74

Noes: Adams, Bales, Balyeat, Barrett, Bixby, Cyr, Eggers, Fuchs, Gallik, Gallus, Galvin-Halcro, Jent, Juneau, Keane, Lindeen, Masolo, McCann, Musgrove, Newman, K. Peterson, Raser, Rice, Ripley, Sliter, Somerville, Thomas.

Total 26

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 456 - Governor's Amendments** - Representative Gutsche moved Governor's amendments to **HB 456** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 98

Noes: Gallus.

Total 1

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**HB 609 - Governor's Amendments** - Representative Story moved Governor's amendments to **HB 609** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Gallus, Lee.

Total 2

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Tropila assumed the chair.

**HB 142 - Free Conference Committee Report No. 1** - Representative Somerville moved the Free Conference Committee report to **HB 142** be adopted. Motion carried as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Gallik, Gallus, Gillan, Haines, Harris, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Musgrove, Newman, Olson, A. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Thomas, Tropila, Wanzenried, Wolery, Younkin.

Total 50

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Galvin-Halcro, Golie, Gutsche, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Keane, Laible, Laszloffy, Lehman, Lewis, Matthews, McKenney, Mood, Noennig, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Steinbeisser, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 48

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: Fritz, McCann.

Total 2

Representative P. Clark reassumed the chair.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**HB 154 - Free Conference Committee Report No. 1** - Speaker McGee moved the Free Conference Committee report to **HB 154** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Eggers, Newman, Sliter.

Total 3

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 172 - Conference Committee Report No. 1** - Representative Matthews moved the Conference Committee report to **HB 172** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 92

Noes: R. Brown, Buzzas, Erickson, Galvin-Halcro, Golie, Mangan, Mr. Speaker.

Total 7

Voted Absentee: Dale, Aye; Erickson, No.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 69 - Senate Amendments** - Representative McCann moved Senate amendments to **HB 69** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Dale, Erickson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 20** - Representative Musgrove moved **SJR 20** be concurred in.

**SJR 20** - Representative Fritz moved **SJR 20**, second reading copy, be amended as follows :

1. Page 1, line 16 through page 2, line 7.

**Strike:** "WHEREAS" on page 1, line 16 through "PROSPER." on page 2, line 7

**Insert:** "WHEREAS, the State of Montana, cooperating with workers and businesses, must develop and fund sensible and effective workforce training and business development programs that meet the needs of workers and businesses in their efforts to compete in the global economy."

Amendment **adopted** as follows:

Ayes: Bales, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 73

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, Bixby, D. Brown, R. Brown, P. Clark, Curtiss, Cyr, Davies, Esp, Fuchs, Gallik, Jayne, Juneau, Kasten, Lindeen, Newman, Ripley, Schmidt, Schrumpf, Smith, Witt, Mr. Speaker.

Total 26

Voted Absentee: Erickson, Aye.

Excused: Dale.

Total 1

Absent or not voting: None.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

Total 0

Motion that **SJR 20**, as amended, be concurred in failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 50

Voted Absentee: Erickson, Aye.

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman P. Clark moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Buzzas, Carney, Cyr, Eggers, Facey, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Waddill, Wanzenried.

Total 28

Excused: Dale, Erickson.

Total 2

Absent or not voting: P. Clark, Gallik, Gillan.

Total 3

**MOTIONS**

Representative Sliter moved that the conference committee on **SB 432** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate on **SB 432**. Motion carried.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

The Speaker appointed the following members:

Representative McKenney, Chairman  
Representative Whitaker  
Representative Mangan

Representative Sliter moved that the conference committee on **SB 242** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate on **SB 242**. Motion carried.

The Speaker appointed the following members:

Representative Haines, Chairman  
Representative Bookout-Reinicke  
Representative Tropila

Representative Sliter moved that the conference committee on **HB 5** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate on **HB 5**. Motion carried.

The Speaker appointed the following members:

Representative Vick, Chairman  
Representative Brueggeman  
Representative McCann

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **HB 637**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chairman  
Representative K. Peterson  
Representative Kaufmann

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 386**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chairman  
Representative Wolery  
Representative Callahan

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 398**. Motion carried.

The Speaker appointed the following members:

Representative Mood, Chairman  
Representative R. Brown  
Representative Dell



HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 17, 2001

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:00 a.m., Wednesday, April 18, 2001. Motion carried.

House adjourned at 5:17 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 18, 2001

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Harris. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Erickson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

Examined by the sponsor and found to be correct: **HB 495, HB 521, HB 531, HB 583, HB 589.**

Signed by the Speaker at 7:50 p.m., April 17, 2001: **HB 46, HB 125, HB 156, HB 166, HB 210, HB 317, HB 349, HB 434.**

Signed by the Speaker at 7:55 p.m., April 17, 2001: **HB 577, HB 610, HB 615, HB 639.**

Signed by the Speaker at 8:05 p.m., April 17, 2001: **HB 33, HB 63, HB 87, HB 94, HB 186, HB 201, HB 218, HB 239, HB 249, HB 265, HB 279, HB 331.**

Signed by the Speaker at 8:10 p.m., April 17, 2001: **HB 353, HB 362, HB 368, HB 375, HB 381, HB 387, HB 390, HB 401, HB 405, HB 406, HB 412, HB 430, HB 455, HB 472, HB 498, HB 510, HB 564, HB 596.**

**TAXATION** (Story, Chairman):

4/18/2001

**SJR 21**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bill concurred in:

4/17/2001

**SB 398**, introduced by Miller

**HB 226** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 226**:

4/17/2001

Senator R. Holden, Chairman

Senator Jergeson

Senator Zook

**HB 625** - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 625**:

4/17/2001

Senator Glaser, Chairman

Senator Cobb

Senator Ellingson

**SB 242** - The Senate acceded to the request of the House, dissolved the conference committee on Senate amendments to SB 242, and authorized the President to appoint the following free conference committee to confer on **SB 242**:

4/18/2001

Senator Miller, Chairman

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Senator O'Neil  
Senator Toole

**SB 386** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 386**:

4/17/2001

Senator Grimes, Chairman  
Senator Bishop  
Senator Waterman

**SB 398** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 398**:

4/17/2001

Senator McNutt, Chairman  
Senator Ellis  
Senator Ryan

**SB 432** - The Senate acceded to the request of the House, dissolved the conference committee on Senate amendments to SB 432, and authorized the President to appoint the following free conference committee to confer on **SB 432**:

4/17/2001

Senator Bohlinger, Chairman  
Senator Harrington  
Senator Taylor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative R. Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 118 - Conference Committee Report No. 1** - Representative Laszloffy moved the Conference Committee report to **HB 118** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Lee.  
Total 1

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 214 - Conference Committee Report No. 1** - Representative Shockley moved the Conference Committee report to **HB 214** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Eggers, Erickson, Jayne, Pattison, Waitschies.

Total 6

Voted Absentee: Erickson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 216 - Free Conference Committee Report No. 1** - Representative Himmelberger moved the Free Conference Committee report to **HB 216** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 82

Noes: Buzzas, Callahan, Cyr, Eggers, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Mangan, Musgrove, Tropila, Mr. Speaker.

Total 17

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**HB 266 - Conference Committee Report No. 2** - Representative Shockley moved the Conference Committee report to **HB 266** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Cyr, Juneau, Keane, Laszloffy, Newman, Tramelli, Vick.

Total 8

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby, McCann.

Total 2

**HB 324 - Conference Committee Report No. 1** - Representative Brueggeman moved the Conference Committee report to **HB 324** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

Noes: Bales, Balyeat, Barrett, Davies, Holden, Laible, Mood, Pattison, K. Peterson, Rice, Vick, Walters.

Total 12

Voted Absentee: Erickson, Aye.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Excused: None.  
Total 0

Absent or not voting: Gallus.  
Total 1

**HB 459 - Free Conference Committee Report No. 1** - Representative Mood moved the Free Conference Committee report to **HB 459** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Voted Absentee: Erickson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 543 - Free Conference Committee Report No. 1** - Representative R. Brown moved the Free Conference Committee report to **HB 543** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: P. Clark, Eggers, Erickson, Facey, Fritz, Gallik, Gutsche, Hurdle, Kaufmann, Musgrove, Raser, Smith, Tramelli, Wanzenried.  
Total 14

Voted Absentee: Erickson, No.

Excused: None.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Total 0

Absent or not voting: Gallus.

Total 1

**HB 559 - Conference Committee Report No. 2** - Representative Noennig moved the Conference Committee report to **HB 559** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: P. Clark, Eggers, Erickson, Facey, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Raser, Tramelli, Wanzenried.

Total 14

Voted Absentee: Erickson, No.

Excused: None.

Total 0

Absent or not voting: Bixby, Mood, Sliter.

Total 3

**HB 572 - Free Conference Committee Report No. 1** - Representative Story moved the Free Conference Committee report to **HB 572** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Buzzas, Carney, P. Clark, Eggers, Erickson, Facey, Fritz, Gallik, Golie, Gutsche, Hurdle, Jayne, Kaufmann, Lee, Mangan, Musgrove, Raser, Smith, Tramelli, Wanzenried.

Total 20

Voted Absentee: Erickson, No.

Excused: None.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Total 0

Absent or not voting: Mood.

Total 1

**HB 603 - Conference Committee Report No. 1** - Representative Shockley moved the Conference Committee report to **HB 603** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Eggers, Esp, Fritz, Gutsche, Keane, Newman.

Total 6

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Lee.

Total 1

**HB 605 - Free Conference Committee Report No. 1** - Representative Mood moved the Free Conference Committee report to **HB 605** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Eggers, Gallik, Golie, Hurdle, Jayne, Mangan, Musgrove, Smith, Tramelli.

Total 9

Voted Absentee: Erickson, Aye.

Excused: None.



HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Total 0

Absent or not voting: Sliter.

Total 1

**HJR 32 - Conference Committee Report No. 1** - Representative Thomas moved the Conference Committee report to **HJR 32** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, E. Clark, Devlin, Holden, Mangan.

Total 5

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative R. Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 78

Noes: Bixby, Callahan, Cyr, Eggers, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Smith, Tramelli.

Total 21

Excused: Erickson.

Total 1

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 3, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Dale, Dell, Devlin, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Bales, Balyeat, Bixby, E. Clark, Curtiss, Cyr, Davies, Eggers, Fisher, Himmelberger, Jackson, Laible, Lawson, Lewis, McCann, Musgrove, Rice, Ripley, Schrumpf, Vick, Wanzenried.  
Total 21

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: Kasten.  
Total 1

**HB 4, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Bales, Balyeat, Barrett, Curtiss, Davies, Himmelberger, Kasten, Laible, Laszloffy, Pattison, Vick, Waitschies, Wanzenried.  
Total 14

Voted Absentee: Erickson, Aye.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 6, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 9, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 80

Noes: Adams, Balyeat, Branae, Callahan, Davies, Dell, Devlin, Eggers, Forrester, Gallik, Gillan, Hurdle, Jackson, Jacobson, Kaufmann, Laszloffy, Mangan, Tramelli, Vick, Mr. Speaker.  
Total 20

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Absent or not voting: None.  
Total 0

**HB 11, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Hurdle, Jacobson.  
Total 2

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13, as amended by the Senate**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 81

Noes: Adams, Balyeat, R. Brown, Davies, Esp, Fuchs, Himmelberger, Jackson, Kasten, Laible, Laszloffy, McCann, Pattison, Rice, Story, Vick, Waitschies, Witt, Mr. Speaker.  
Total 19

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**HB 47, as amended by the Governor, passed as follows:**

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Bixby, Fuchs, Gallik, Hurdle.

Total 4

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 69, as amended by the Senate, passed as follows:**

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Curtiss, Hurdle.

Total 2

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Eggers.

Total 1

**HB 142, Free Conference Committee Report No. 1, not adopted as follows:**

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt.

Total 50

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 50

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 154, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 172, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines,

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 99

Noes: Mr. Speaker.

Total 1

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 348, as amended by the Governor**, passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 83

Noes: Adams, Bixby, R. Brown, Cyr, Dell, Erickson, Esp, Gallik, Gutsche, Jackson, Jent, Juneau, McCann, K. Peterson, Thomas, Wanzenried, Mr. Speaker.

Total 17

Voted Absentee: Erickson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 456, as amended by the Governor**, passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson,

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Adams, Balyeat, Curtiss, Davies, Jackson, Kasten, Laible, Laszloffy, Rome, Steinbeisser, Vick.  
Total 11

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 516, as amended by the Senate,** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, D. Brown, R. Brown, Curtiss, Davies, Himmelberger, Jackson, Kasten, Laible, Masolo, Rice, Shockley, Story, Walters, Witt.  
Total 15

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 609, as amended by the Governor,** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Total 98

Noes: Lee, Smith.

Total 2

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 619, as amended by the Senate**, passed as follows:

Ayes: Barrett, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 75

Noes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, R. Brown, Clancy, E. Clark, Davies, Devlin, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lewis, Pattison, Ripley, Somerville, Steinbeisser, Story, Vick, Walters, Mr. Speaker.

Total 25

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 628, as amended by the Senate**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Noes: None.  
Total 0

Voted Absentee: Erickson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 2, as amended by the Senate**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 36

Voted Absentee: Erickson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 19, as amended by the Senate**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Tramelli, Tropila, Waddill.  
Total 36

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Voted Absentee: Erickson, No.

Excused: None.

Total 0

Absent or not voting: Hurdle.

Total 1

**HJR 39, as amended by the Senate**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Laible, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 78

Noes: Balyeat, Bixby, D. Brown, R. Brown, Cyr, Davies, Dell, Esp, Himmelberger, Jackson, Jayne, Kasten, Keane, Laszloffy, Lawson, McCann, Newman, Pattison, K. Peterson, Raser, Vick, Mr. Speaker.

Total 22

Voted Absentee: Erickson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 208  
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 208**, met April 17, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 23, 2001.

We recommend that **House Bill 208** (reference copy – salmon) be amended as follows:

1. Page 2, line 21 through line 22.

**Strike:** "under" on line 21 through "Proof" on line 22

**Insert:** "by proof"

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Strike:** "is required" on line 22

2. Page 2, line 23.

**Strike:** "ONLY"

**Strike:** "UNDER 45-7-309"

**Insert:** ", except those under 3-1-511"

For the House:

Noennig, Chairman  
Harris  
K. Peterson

For the Senate:

Grosfield, Chairman  
Bishop  
Doherty

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 644  
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 644**, met April 17, 2001, and considered:

1. Senate Committee on Taxation amendments to third reading copy, dated April 6, 2001.

We recommend that **House Bill 644** (reference copy – salmon) be amended as follows:

1. Page 8, line 20.

**Following:** "means"

**Insert:** ": (a)(i)"

2. Page 8, line 24.

**Following:** "additives"

**Insert:** "; or

(ii) a monoalkyl ester that:

(A) is derived from domestically produced vegetable oils, renewable lipids, rendered animal fats, or any combination of those ingredients; and

(B) meets the requirements of ASTM PS 121, also known as the Provisional Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, as adopted by the American society of testing and materials"

**Following:** "additives."

**Insert:** "(b)"

3. Page 11, line 23.

**Following:** "means"

**Insert:** ": (a)(i)"

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

4. Page 11, line 27.

**Following:** "additives"

**Insert:** "; or

(ii) a monoalkyl ester that:

(A) is derived from domestically produced vegetable oils, renewable lipids, rendered animal fats, or any combination of those ingredients; and

(B) meets the requirements of ASTM PS 121, also known as the Provisional Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, as adopted by the American society of testing and materials"

**Following:** "additives."

**Insert:** "(b)"

5. Page 20, line 10.

**Following:** "IN THE"

**Insert:** "restricted"

6. Page 20, line 11.

**Following:** "30"

**Strike:** ", 2003"

**Insert:** "following the date on which the condition in subsection (1) is complied with"

For the House:

Pattison, Chairman  
Hedges  
Smith

For the Senate:

DePratu, Chairman  
Ekegren  
Harrington

FREE CONFERENCE COMMITTEE  
on Senate Bill 432  
Report No. 1, April 18, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 432** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 432** (reference copy – salmon) be amended as follows:

1. Page 2, line 19.

**Following:** "department"

**Insert:** "following a review of the plans and specifications of the infrastructure by the architecture and engineering division of the department of administration"

2. Page 2, line 20.

**Following:** "not"

**Insert:** ", with the exception of Title 18, chapter 2, part 4,"

3. Page 2, line 27.

**Following:** "EQUIPMENT"

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Insert:** ", which are not state-owned real property,"

4. Page 3, line 18.

**Following:** "(4)"

**Insert:** "(a)"

**Following:** "SECTION"

**Insert:** "and subject to subsection (4)(b)"

5. Page 3, line 20.

**Following:** line 19

**Insert:** "(b) Equipment does not include fixtures if the project is located on state-owned land."

For the Senate:

Bohlinger, Chairman  
Harrington  
Taylor

For the House:

McKenney, Chairman  
Whitaker

**MOTIONS**

Representative Laslovich requested on conference committee report to **HB 118**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Facey requested on Senate amendments to **HB 3**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Laible requested on Senate amendments to **HB 637**, second reading yesterday, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Gillan requested on Senate amendments to **HJR 2**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Somerville moved that the House reconsider its action on the free conference committee to **HB 142** and that it be placed on second reading today. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzienried, Wolery.

Total 47

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Esp, Fisher, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrupf, Shockley, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 49

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Excused: Erickson.  
Total 1

Absent or not voting: Sliter, Steinbeisser, Story.  
Total 3

Committee meetings were announced by committee chairmen.

Representative R. Brown moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 12:14 p.m.

House reconvened at 3:00 p.m. All members present, except Representative Erickson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/18/2001  
Correctly printed: **SJR 21, SJR 22.**  
Correctly enrolled: **HB 495, HB 521, HB 531, HB 583, HB 589.**  
Examined by the sponsor and found to be correct: **HB 57, HB 273.**

**HUMAN SERVICES** (Thomas, Chairman): 4/18/2001  
**SJR 22**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 226  
Report No. 1, April 18, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 226**, met April 17, 2001, and considered:

1. Senate Committee on Finance amendments to third reading copy, dated April 9, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated April 10, 2001.

We recommend that **House Bill 226** (reference copy – salmon) be amended as follows:

1. Title, line 9.  
**Strike:** "LOCAL GOVERNMENTS"  
**Insert:** "COUNTIES"

2. Page 2, line 20.  
**Strike:** "75% OF"

3. Page 2, line 21.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Strike:** "\$26,756,000"

**Insert:** "\$21,756,000"

4. Page 2, line 22.

**Strike:** "75% OF"

5. Page 2, line 24.

**Following:** "2004"

**Strike:** "AND" through "THEREAFTER"

**Following:** "25%"

**Strike:** "75%"

**Insert:** "12.5% "

6. Page 2, line 25.

**Strike:** "IN EXCESS OF \$20 MILLION"

7. Page 2, line 25.

**Following:** "."

**Insert:** "At the conclusion of fiscal year 2005 and each fiscal year thereafter, the state treasurer shall distribute 25% of all money received pursuant to subsection (3)."

8. Page 3, lines 6 through 8.

**Strike:** subsection (4) in its entirety

9. Page 3, line 13.

**Following:** "to"

**Strike:** remainder of line 13

For the House:

Bales, Chairman

Devlin

Lindeen

For the Senate:

Holden, Chairman

Zook

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 290  
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 290**, met April 17, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 26, 2001.

We recommend that **House Bill 290** (reference copy – salmon) be amended as follows:

1. Title, line 4.

**Following:** "DECEPTION."



HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Insert:** "DECEPTION,"  
**Following:** "COERCION;"  
**Insert:** ", "

2. Page 1, line 16.  
**Following:** "DECEPTION;"  
**Insert:** "deception,"  
**Following:** "COERCION;"  
**Insert:** ", "

For the House:

Younkin, Chairman  
Harris  
Waddill

For the Senate:

Grosfield, Chairman  
Halligan  
McNutt

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 359  
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 359**, met April 17, 2001 and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 23, 2001.

We recommend that **House Bill 359** (reference copy – salmon) be amended as follows:

1. Title, line 4.  
**Strike:** "ALL"  
**Insert:** "CERTAIN"

2. Page 1, line 27.  
**Following:** "YEAR"  
**Insert:** "or burglary or aggravated burglary under 45-6-204"

For the House:

Shockley, Chairman  
P. Clark  
Wolery

For the Senate:

Grosfield, Chairman  
Doherty  
O'Neil

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 360  
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

We, your Conference Committee on **House Bill 360**, met April 17, 2001 and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 26, 2001.

And, recommend that **House Bill 360** (reference copy – salmon) be amended as follows:

1. Title, line 5.

**Strike:** "ANY"

**Insert:** "CERTAIN"

2. Title, line 6.

**Strike:** "OFFENSE"

**Insert:** "OFFENSES"

3. Page 1, line 17.

**Following:** "(2)"

**Insert:** "(a)"

4. Page 1, line 18.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

5. Page 1, line 22.

**Strike:** "any sexual"

**Insert:** "an"

6. Page 1, line 28 through line 29.

**Following:** "~~45-5-625~~" on line 28

**Strike:** remainder of line 28 through "YEAR" on line 29

**Insert:** "under:

(A) 45-5-502 for which the maximum potential sentence is life imprisonment or imprisonment in a state prison for a term exceeding 1 year;

(B) 45-5-503, except as provided in subsection (2)(b); or

(C) 45-5-507 if the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing the offense.

(b) In a prosecution under 45-5-503, if the sexual intercourse was without consent based solely on the victim's age, the victim willingly participated, and the offender is not more than 3 years older than the victim, the offense is not a crime of violence for purposes of this section"

For the House:

Shockley, Chairman

P. Clark

Wolery

For the Senate:

Grosfield, Chairman

O'Neil

Pease

**MESSAGES FROM THE SENATE**

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Senate joint resolution passed and transmitted to the House for concurrence: 4/18/2001

**SJR 22**, introduced by Christiaens

House amendments to Senate bills concurred in: 4/18/2001

**SB 92**, introduced by Halligan

**SB 394**, introduced by Shea

House joint resolutions concurred in and returned to the House: 4/18/2001

**HJR 35**, introduced by Harris

**HJR 37**, introduced by Pattison

**HJR 41**, introduced by Andersen

Conference committee report #1 adopted: 4/18/2001

**HB 119**, introduced by Vick

**HB 214**, introduced by Shockley

**HB 266**, introduced by Clancy

**HB 324**, introduced by Mangan

**HB 559**, introduced by Noennig

**HB 603**, introduced by Shockley

**HB 612**, introduced by R. Brown

**SB 457**, introduced by Ryan

**SB 514**, introduced by Grosfield

Free conference committee report #1 adopted: 4/18/2001

**HB 216**, introduced by Himmelberger

**HB 605**, introduced by Mood

**HB 637** - The Senate acceded to the request of the House and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **HB 637**:

4/18/2001

Senator Grimes, Chairman

Senator Bishop

Senator Doherty

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 22**, introduced by Christiaens, Bohlinger, Elliott, Glaser, Hargrove, Harrington, Mahlum, McCarthy, Miller, Nelson, Stonington, F. Thomas, Toole, Waterman (by request of the Senate Local Government Standing Committee), referred to Human Services.

**SECOND READING OF BILLS**

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**(COMMITTEE OF THE WHOLE)**

Representative Younkin moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clancy in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 21** - Representative Esp moved **SJR 21** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Dell, Devlin, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Adams, Bixby, D. Brown, R. Brown, Buzzas, P. Clark, Curtiss, Davies, Eggers, Erickson, Fisher, Galvin-Halcro, Gillan, Golie, Gutsche, Jackson, Juneau, Kasten, Keane, Laible, Laszloffy, Lee, Newman, K. Peterson, Tramelli, Tropila, Vick.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 119 - Conference Committee Report No. 1** - Representative Shockley moved the Conference Committee report to **HB 119** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Bixby, Callahan, P. Clark, Eggers, Erickson, Gutsche, Jayne, Kaufmann, Mangan, Noennig, K. Peterson.

Total 11

Excused: None.

Total 0

Absent or not voting: Gillan.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Total 1

**HB 612 - Conference Committee Report No. 1** - Representative R. Brown moved the Conference Committee report to **HB 612** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Hurdle, Jayne.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 4 - Conference Committee Report No. 1** - Representative Adams moved the Conference Committee report to **SB 4** be adopted. Motion failed as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Curtiss, Davies, Esp, Fuchs, Haines, Hedges, Himmelberger, Laible, Laszloffy, Lewis, McCann, McKenney, Mood, Pattison, Price, Rice, Ripley, Shockley, Sliter, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 36

Noes: Andersen, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Raser, Rome, Schmidt, Schrupf, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Wanzenried.

Total 64

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 28 - Conference Committee Report No. 1** - Representative Noennig moved the Conference Committee report to **SB 28** be adopted. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Fuchs, Shockley, Sliter, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 48 - Conference Committee Report No. 1** - Representative McKenney moved the Conference Committee report to **SB 48** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Hedges, Holden, Jacobson, Jayne, Juneau, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 64

Noes: Bixby, Branae, Brueggeman, Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jent, Kasten, Kaufmann, Laslovich, Lindeen, Masolo, Newman, K. Peterson, Rice, Sliter, Smith, Waitschies, Mr. Speaker.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 135 - Conference Committee Report No. 1** - Representative Lewis moved the Conference Committee report to **SB 135** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Newman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 151 - Free Conference Committee Report No. 1** - Representative R. Brown moved the Free Conference Committee report to **SB 151** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Facey, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lee, Lindeen, Masolo, K. Peterson, Raser, Schmidt, Smith, Tramelli.

Total 32

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

**SB 185 - Free Conference Committee Report No. 1** - Representative Walters moved the Free Conference Committee report to **SB 185** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved consideration of the free conference committee report to **SB 196** be passed for the day.  
Motion carried.

**SB 283 - Conference Committee Report No. 1** - Representative Noennig moved the Conference Committee report to **SB 283** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 327 - Free Conference Committee Report No. 1** - Representative Sliter moved the Free Conference Committee report to **SB 327** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99



HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Noes: Jackson.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 427 - Conference Committee Report No. 1** - Representative Esp moved the Conference Committee report to **SB 427** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Mood.  
Total 1

**SB 432 - Free Conference Committee Report No. 1** - Representative McKenney moved the Free Conference Committee report to **SB 432** be **not** adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Jayne, Somerville.  
Total 2

Excused: None.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Total 0

Absent or not voting: None.

Total 0

**SB 423 - Conference Committee Report No. 1** - Representative Andersen moved the Conference Committee report to **SB 423** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Curtiss, Galvin-Halcro, Gillan, Lawson, Masolo, Raser, Ripley, Tropila, Wolery.

Total 9

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

**SB 437 - Free Conference Committee Report No. 1** - Representative Brueggeman moved the Free Conference Committee report to **SB 437** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Lehman, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Musgrove, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Whitaker, Witt, Wolery, Younkin.

Total 51

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Mangan, McCann, Newman, Noennig, Raser, Schmidt, Schrumpf, Smith, Tramelli, Tropila, Waddill, Walters, Wanzenried, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**SB 441 - Free Conference Committee Report No. 1** - Representative Laible moved the Free Conference Committee report to **SB 441** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 457 - Conference Committee Report No. 1** - Representative Olson moved the Conference Committee report to **SB 457** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Bixby, Davies, Esp, Juneau, Laible, Sliter, Vick.

Total 8

Excused: None.

Total 0

Absent or not voting: Waddill.

Total 1

**SB 514 - Conference Committee Report No. 1** - Representative Price moved the Conference Committee report to **SB 514** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman,

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Cyr, Golie, Jayne, Newman, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 22** - Representative Thomas moved **SJR 22** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

Total 70

Noes: Adams, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Himmelberger, Kasten, Laible, Laszloffy, Lewis, McKenney, Pattison, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Clancy moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Curtiss, Dale, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gillan, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story,

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Thomas, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 73

Noes: Bixby, Carney, P. Clark, Cyr, Erickson, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Keane, Lee, Lindeen, Newman, Schmidt, Waitschies, Wanzenried.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Clancy, Davies, Dell, Eggers, Gallus, Musgrove, Tramelli.  
Total 8

FREE CONFERENCE COMMITTEE  
on House Bill 573  
Report No. 1, April 18, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 573**, met April 18, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 29, 2001; and
2. Senate Committee of the Whole amendment to second house, second reading copy, dated March 30, 2001.

We recommend that **House Bill 573** (reference copy – salmon) be amended as follows:

1. Title, line 5 through line 6.

**Strike:** "THE" on line 5 through "WELLS" on line 6

**Insert:** "COAL BED METHANE WELLS THAT INVOLVE PRODUCTION OF GROUND WATER; PROVIDING THAT CERTAIN MANAGEMENT PRACTICES FOR GROUND WATER PRODUCED IN ASSOCIATION WITH A COAL BED METHANE WELL MAY NOT BE CONSTRUED AS WASTE; AMENDING SECTION 85-2-505, MCA"

**Strike:** "A" through "DATE" on line 6

**Insert:** "EFFECTIVE DATES"

2. Page 1, line 10.

**Strike:** "4"

**Insert:** "3"

3. Page 1, line 13 through line 15.

**Strike:** "the" on line 13 through the second "development" on line 15

**Insert:** "a delay in the development of certain coal bed methane wells"

4. Page 1, line 20 through line 24.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

5. Page 1, line 25.

**Following:** "legislature"

**Insert:** "further"

6. Page 2, line 7.

**Following:** "program"

**Insert:** "and [section 4]"

7. Page 2, line 13 through line 18.

**Strike:** "authorized" on line 13 through "2" on line 18

**Insert:** "that involve the production of ground water must comply with this section"

8. Page 2, line 20.

**Strike:** "The" through "ground"

**Insert:** "Ground"

9. Page 2, line 23.

**Following:** "3"

**Strike:** ", if" through "PURPOSE"

10. Page 2, line 27 through line 28.

**Strike:** "rules" through "82-11-111"

**Insert:** "applicable law"

11. Page 2, line 30.

**Strike:** "75-5-401"

**Insert:** "Title 75, chapter 5"

12. Page 3, line 1.

**Strike:** "DISPOSAL"

**Strike:** "AS PROVIDED"

**Insert:** "allowed"

13. Page 3.

**Following:** line 1

**Insert:** "(3) Prior to the development of a coal bed methane well that involves the production of ground water from an aquifer that is a source of supply for appropriation rights or permits to appropriate under this chapter, the developer of the coal bed methane well shall notify and offer a mitigation agreement to each appropriator of water who holds an appropriation right or a permit to appropriate under this chapter that is for ground water and for which the point of diversion is within 1 mile of the coal bed methane well."

**Insert:** "**Section 5.** Section 85-2-505, MCA, is amended to read:

**"85-2-505. Waste and contamination of ground water prohibited.** (1) No ground water may be wasted. The department shall require all wells producing waters ~~which that~~ contaminate other waters to be plugged or capped. It shall also require all flowing wells to be so capped or equipped with valves that the flow of water can be stopped when the water is not being put to beneficial use. Likewise, both flowing and nonflowing wells ~~shall must~~ be so constructed and maintained as to prevent the waste, contamination, or pollution of ground water through leaky casings, pipes, fittings, valves, or pumps either above or below the land surface, ~~provided, however, However,~~ in the following cases the withdrawal or use of ground water ~~shall may~~ not be construed as waste under this part:

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

(a) the withdrawal of reasonable quantities of ground water in connection with the construction, development, testing, or repair of a well or other means of withdrawal of ground water;

(b) the inadvertent loss of ground water owing to breakage of a pump, valve, pipe, or fitting, if reasonable diligence is shown by the person in effecting the necessary repair;

(c) the disposal of ground water without further beneficial use that must be withdrawn for the sole purpose of improving or preserving the utility of land by draining the same or that must be removed from a mine to permit mining operations or to preserve the mine in good condition;

(d) the disposal of ground water used in connection with producing, reducing, smelting, and milling metallic ores and industrial minerals or that displaced from an aquifer by the storage of other mineral resources; and

(e) the management, discharge, or reinjection of ground water produced in association with the development of a coal bed methane well in accordance with [section 4(2)(b) through (2)(d)].

(2) The department at any time may hold a hearing on its own motion or upon petition signed by a representative body of users of ground water in any area or subarea to determine whether the water supply within ~~such~~ that area or subarea is used in compliance with this part."

**Renumber:** subsequent sections

14. Page 3, line 3.

**Following:** "Notification to"

**Insert:** "federal and"

15. Page 3, line 4.

**Strike:** "and"

**Insert:** ", "

16. Page 3, line 5.

**Following:** "Chippewa"

**Insert:** ", and to the U.S. secretary of the interior"

17. Page 3, line 7.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "4"

**Insert:** "3"

18. Page 3, line 9.

**Strike:** "4"

**Insert:** "3"

**Following:** line 9

**Insert:** "(2) [Section 4] is intended to be codified as an integral part of Title 85, chapter 2, part 5, and the provisions of Title 85, chapter 2, part 5, apply to [section 4]."

19. Page 3.

**Following:** line 9

**Insert:** "NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent section

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

20. Page 3, line 11.

**Strike:** "CONTINGENT" through "date"

**Insert:** "Effective dates -- contingency"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

21. Page 3, line 12.

**Following:** "2002"

**Insert:** "on passage and approval.

(2) [Section 3] is effective"

For the House:

Bales, Chairman  
Olson

For the Senate:

Cole, Chairman  
Crismore  
Roush

CONFERENCE COMMITTEE  
on Senate Amendments to House Bill 625  
Report No. 1, April 18, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 625**, met April 18, 2001, and considered:

1. Senate Committee on Education and Cultural Resources amendments to third reading copy, dated April 7, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated April 9, 2001; and
3. Senate Committee of the Whole amendments to second house, second reading copy, dated April 10, 2001.

We recommend that **House Bill 625** (reference copy – salmon) be amended as follows:

1. Title, line 7 through line 8.

**Strike:** "1" on line 7 through "DISTRICTS" on line 8

2. Page 1, line 15 through line 25.

**Strike:** "WHEREAS" on line 15 through "1" on line 25

3. Page 2, line 1 through line 2.

**Following:** "study" on line 1

**Strike:** remainder of line 1 through "testing" on line 2

4. Page 2, line 3.

**Strike:** "as interpreted by the Montana supreme court"

5. Page 2.



HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Following:** line 7

**Insert:** "(b) determining the appropriate allocation of funding to adequately fund elementary, middle school, seventh and eighth grade, and high school programs;"

**Renumber:** subsequent subsections

6. Page 2, line 21 through line 26.

**Strike:** subsections (i) and (j) in their entirety

**Renumber:** subsequent subsections

7. Page 3, line 3.

**Following:** "activities;"

**Insert:** "and"

8. Page 3, line 4 through line 5.

**Strike:** subsections (n) and (o) in their entirety

**Renumber:** subsequent subsection

9. Page 3, line 9.

**Strike:** "April 1, 2002"

**Insert:** "December 31, 2001"

10. Page 3, line 11.

**Following:** "(3)"

**Insert:** "(a)"

11. Page 3, line 11 through line 12.

**Strike:** "¿" on line 11 through "(A)" on line 12

12. Page 3, line 12.

**Following:** "HEARINGS"

**Insert:** "and take public comment"

13. Page 3, line 13.

**Strike:** "MUST"

**Insert:** "may"

14. Page 3, line 15.

**Following:** "2002,"

**Insert:** "the education interim committee shall"

15. Page 3.

**Following:** line 16

**Insert:** "(c) The education interim committee may make any other recommendations on school funding that the committee considers appropriate. The education interim committee shall submit its recommendations and, if appropriate, prepare legislation for consideration by the 2003 legislature."

16. Page 3, line 20 through line 24.

**Strike:** subsection (5) in its entirety

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Renumber:** subsequent subsections

17. Page 4, line 23.

**Strike:** "governor's office"

**Insert:** "superintendent of public instruction"

For the House:

McKenney, Chairman  
Musgrove  
Olson

For the Senate:

Glaser, Chairman  
Cobb  
Ellingson

FREE CONFERENCE COMMITTEE  
on Senate Bill 19  
Report No. 1, April 18, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 19** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 19** (reference copy – salmon) be amended as follows:

1. Page 5, line 8 through line 9.

**Strike:** "2004" on line 8 through "supplier" on line 9

**Insert:** "2007"

2. Page 6, line 8.

**Strike:** "69-8-201(4)"

**Insert:** "69-8-201(3)"

3. Page 6, line 12.

**Strike:** "2002"

**Insert:** "2005"

4. Page 7, line 1.

**Strike:** "Subject" through "before"

**Insert:** "Before"

5. Page 7, line 2.

**Strike:** "2004"

**Insert:** "2007"

6. Page 7, line 3 through line 12.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

7. Page 7, line 15 through line 16.

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Strike:** "The" on line 15 through "legislature." on line 16

8. Page 7, line 19 through line 20.

**Following:** "may" on line 19

**Strike:** ":" on line 19 through "(a)" on line 20

9. Page 7, line 21 through line 24.

**Following:** "territory" on line 21

**Strike:** ", except" on line 21 through "2004" on line 24

10. Page 10, line 16.

**Strike:** "During" through "period"

**Insert:** "Before July 1, 2002"

11. Page 10, line 27.

**Strike:** "2003"

**Insert:** "2006"

12. Page 10, line 30.

**Strike:** "2004"

**Insert:** "2007"

13. Page 12, line 20.

**Strike:** the first "the" through "or"

14. Page 14, line 4.

**Strike:** ", 2001"

**Insert:** "of each odd-numbered year"

15. Page 14, line 8.

**Strike:** the first "the"

**Insert:** "a"

**Strike:** "the 58th"

**Insert:** "each"

For the Senate:

McNutt, Chairman

Ellis

Ryan

For the House:

Mood, Chairman

R. Brown

Dell

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 322  
Report No. 1, April 18, 2001

Mr. President and Mr. Speaker:

*STATE INTERNET/BBS COPY*

2125

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

We, your Conference Committee met and considered House amendments to **Senate Bill 322** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 322** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 11.

**Following:** "IN A"

**Insert:** "TRAINING, CERTIFICATE, OR"

2. Title, page 1, line 12.

**Following:** "AT A"

**Insert:** "COMMUNITY COLLEGE, TRIBAL COLLEGE, OR"

3. Title, page 1, line 13.

**Following:** "MCA;"

**Insert:** "AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO ACCEPT PRIVATE DONATIONS AND GRANTS FOR SUPPORT OF THE PROGRAM;"

4. Title, page 1, line 15.

**Following:** "ACCOUNT;"

**Insert:** "REQUIRING EXPENDITURE OF PRIVATE DONATIONS AND GRANTS PRIOR TO USE OF RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAXES;"

5. Title, page 1, line 16.

**Strike:** ", AN APPLICABILITY PROVISION,"

6. Page 3, line 1.

**Strike:** "5"

**Insert:** "6"

7. Page 3, line 3.

**Following:** "regents,"

**Insert:** "community colleges, tribal colleges,"

8. Page 3, line 5.

**Strike:** "ANNUAL"

9. Page 3, line 8.

**Following:** "instruction"

**Insert:** ", community colleges, tribal colleges,"

10. Page 3, line 12.

**Following:** "instruction"

**Insert:** ", community colleges, tribal colleges,"

11. Page 3, line 15.

**Following:** "instruction"

**Insert:** ", community colleges, tribal colleges,"

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Following:** "or"

**Insert:** "the"

12. Page 3, line 19.

**Following:** line 18

**Insert:** "(c) enter into a contract or state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with tribal governments to provide the department with information required under this section for participation in the program."

13. Page 3, line 19.

**Following:** "district"

**Insert:** ", community college, tribal college,"

**Following:** "or"

**Strike:** "the"

14. Page 3, line 20.

**Strike:** "either"

**Following:** "instruction"

**Strike:** "or"

**Insert:** ", "

**Following:** "regents"

**Insert:** ", or the department, as applicable,"

15. Page 3, line 22.

**Following:** "district"

**Insert:** ", community college, tribal college,"

**Following:** "or"

**Strike:** "the"

16. Page 3, line 24.

**Following:** "~~term~~"

**Insert:** ", but shall make a refund to the department of labor and industry if a student who receives a scholarship terminates enrollment for any reason during an academic term"

17. Page 3, line 25.

**Following:** "district"

**Insert:** ", community college, tribal college,"

**Following:** "or"

**Strike:** "each"

18. Page 3, line 27.

**Following:** "district's"

**Insert:** ", college's,"

19. Page 3, line 29.

**Following:** "district"

**Insert:** ", community college, tribal college,"

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

20. Page 4, line 3.

**Following:** "at a"

**Insert:** "community college, tribal college, or"

21. Page 4, line 7.

**Strike:** "OR EDUCATION"

**Insert:** ", certificate, or degree"

22. Page 4, line 8.

**Following:** "PROGRAM;"

**Strike:** "AND"

23. Page 4, line 9.

**Following:** "RECEIVED"

**Insert:** "; and

(d) the agency costs associated with administering the program"

24. Page 4, line 14.

**Strike:** "an" through "degree"

**Insert:** "enrolled in a training, certificate, or degree program offered"

25. Page 4, line 29.

**Following:** line 28

**Insert:** "(3) An individual who meets the requirements of subsection (1) and who is seeking a scholarship for a training or certificate program shall enroll in a program that has been approved by a community college, tribal college, or unit of the university system."

**Renumber:** subsequent subsections

26. Page 4, line 29 through page 5, line 1.

**Following:** "(1)" on line 29

**Strike:** remainder of page 4, line 29 through "program" on page 5, line 1

27. Page 8, line 27.

**Following:** line 26

**Insert:** "(2) Money received by the department of labor and industry from private donations or grants must be deposited into the account and expended to fund tuition scholarships and to pay costs associated with administering the program prior to expenditure of money allocated and deposited in the account from the resource indemnity and ground water assessment taxes pursuant to subsection (3)."

**Renumber:** subsequent subsections

28. Page 8, line 29 and 30.

**Strike:** "5" on line 29

**Insert:** "6"

**Strike:** "AND" on line 29 through "PROGRAM" on line 30

29. Page 9, line 7.

**Following:** "\$150,000"

**Insert:** ", including any private donations or grants"

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

30. Page 10, line 15.

**Following:** "OF"

**Insert:** "the remaining"

31. Page 10, line 17.

**Following:** the first "the"

**Insert:** "remaining"

32. Page 10, line 20.

**Strike:** "6(3)"

**Insert:** "6(4)"

33. Page 11, line 14.

**Strike:** "applicability"

**Insert:** "contingency"

34. Page 11, line 15.

**Strike:** "SUBSECTION (2)"

**Insert:** "subsections (2) and (3)"

**Following:** "July 1"

**Insert:** ", 2001.

(2) [Section 7] is effective on July 1"

**Renumber:** subsequent subsection

35. Page 11, line 19.

**Following:** "."

**Insert:** "The secretary of state shall forward a copy of the executive order to the code commissioner."

36. Page 11, line 25 through line 27.

**Following:** "~~2006~~" on line 25

**Strike:** remainder of line 25 through "TERMINATE" on line 27

**Insert:** "[This act] terminates"

**Strike:** "6"

**Insert:** "5"

37. Page 11, line 28.

**Strike:** "9(1)"

**Insert:** "9(2)"

For the Senate:

Crismore, Chairman

Cole

Shea

For the House:

Kasten, Chairman

Himmelberger

Lindeen

CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 386  
Report No. 1, April 18, 2001

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 386** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 386** (reference copy – salmon) be amended as follows:

1. Title, line 5.

**Following:** "PERMANENT;"

**Insert:** "MAKING PARTICIPATION BY JUDICIAL DISTRICTS IN THE PROGRAM DISCRETIONARY;  
CHANGING THE MEMBERSHIP OF YOUTH PLACEMENT COMMITTEES;"

2. Title, page 6.

**Following:** "DISTRICTS"

**Strike:** "AT A JUDICIAL DISTRICT'S REQUEST"

3. Title, line 6 through line 8.

**Following:** "AMENDING" on line 6

**Strike:** remainder of line 6 through "1997" on line 8

**Insert:** "SECTIONS 41-5-103, 41-5-121, 41-5-122, 41-5-123, 41-5-124, 41-5-205, 41-5-1503, 41-5-1512, 41-5-1513,  
AND 52-5-109, MCA"

**Following:** "AN"

**Strike:** "IMMEDIATE"

4. Page 1, line 12 through page 3, line 26.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 41-5-103, MCA, is amended to read:

"**41-5-103. Definitions.** As used in the Montana Youth Court Act, unless the context requires otherwise, the following definitions apply:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agency" means any entity of state or local government authorized by law to be responsible for the care or rehabilitation of youth.

(3) "Assessment officer" means a person who is authorized by the court to provide initial intake and evaluation for a youth who appears to be in need of intervention or an alleged delinquent youth.

(4) "Commit" means to transfer to legal custody.

(5) "Correctional facility" means a public or private residential facility used for the placement of delinquent youth or individuals convicted of criminal offenses.

(6) "Cost containment funds" means funds retained by the department under [section 20] for distribution by the cost containment review panel.

(7) "Cost containment review panel" means the panel established in [section 17].

~~(6)~~(8) "Court", when used without further qualification, means the youth court of the district court.

~~(7)~~(9) "Criminally convicted youth" means a youth who has been convicted in a district court pursuant to 41-5-206.

~~(8)~~(10) "Custodian" means a person, other than a parent or guardian, to whom legal custody of the youth has been given but does not include a person who has only physical custody.

~~(9)~~(11) "Delinquent youth" means a youth who is adjudicated under formal proceedings under the Montana Youth Court Act as a youth:

(a) who has committed an offense that, if committed by an adult, would constitute a criminal offense; or



HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

(b) who has been placed on probation as a delinquent youth or a youth in need of intervention and who has violated any condition of probation.

~~(10)~~(12) "Department" means the department of corrections provided for in 2-15-2301.

~~(11)~~(13) "Department records" means information or data, either in written or electronic form, maintained by the department pertaining to youth who are committed to the department under 41-5-1512~~(3)~~(1)(c) or 41-5-1513(1)(b) or (1)(c) or who are under parole supervision. Department records do not include information provided by the department to the department of public health and human services' management information system.

~~(12)~~(14) "Detention" means the holding or temporary placement of a youth in the youth's home under home arrest or in a facility other than the youth's own home for:

(a) the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody and before final disposition of the youth's case;

(b) contempt of court or violation of a valid court order; or

(c) violation of a youth parole agreement.

~~(13)~~(15) "Detention facility" means a physically restricting facility designed to prevent a youth from departing at will. The term includes a youth detention facility, short-term detention center, and regional detention facility.

~~(14)~~(16) "Family" means the parents, guardians, legal custodians, and siblings or other youth with whom a youth ordinarily lives.

~~(15)~~(17) "Final disposition" means the implementation of a court order for the disposition or placement of a youth as provided in 41-5-1422, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, and 41-5-1522 through 41-5-1525.

~~(16)~~(18) "Foster home" means a private residence licensed by the department of public health and human services for placement of a youth.

~~(17)~~(19) "Guardian" means an adult:

(a) who is responsible for a youth and has the reciprocal rights, duties, and responsibilities with the youth; and

(b) whose status is created and defined by law.

~~(18)~~(20) "Habitual truancy" means recorded absences of 10 days or more of unexcused absences in a semester or absences without prior written approval of a parent or a guardian.

~~(19)~~(21) "Holdover" means a room, office, building, or other place approved by the board of crime control for the temporary detention and supervision of youth in a physically unrestricting setting for a period not to exceed 24 hours while the youth is awaiting a probable cause hearing, release, or transfer to an appropriate detention or shelter care facility. The term does not include a jail.

~~(20)~~(22) "Jail" means a facility used for the confinement of adults accused or convicted of criminal offenses. The term includes a lockup or other facility used primarily for the temporary confinement of adults after arrest but does not include a collocated juvenile detention facility that complies with 28 CFR, part 31.

~~(21)~~(23) "Judge", when used without further qualification, means the judge of the youth court.

~~(22)~~(24) "Juvenile home arrest officer" means a court-appointed officer administering or supervising juveniles in a program for home arrest, as provided for in Title 46, chapter 18, part 10.

~~(23)~~(25) "Law enforcement records" means information or data, either in written or electronic form, maintained by a law enforcement agency, as defined in 7-32-201, pertaining to a youth covered by this chapter.

~~(24)~~(26) (a) "Legal custody" means the legal status created by order of a court of competent jurisdiction that gives a person the right and duty to:

(i) have physical custody of the youth;

(ii) determine with whom the youth shall live and for what period;

(iii) protect, train, and discipline the youth; and

(iv) provide the youth with food, shelter, education, and ordinary medical care.

(b) An individual granted legal custody of a youth shall personally exercise the individual's rights and duties as guardian unless otherwise authorized by the court entering the order.

~~(25)~~(27) "Necessary parties" includes the youth and the youth's parents, guardian, custodian, or spouse.

~~(26)~~(28) "Out-of-home placement" means placement of a youth in a program, facility, or home, other than a

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

custodial parent's home, for purposes other than preadjudicatory detention. The term does not include shelter care or emergency placement of less than 45 days.

~~(26)~~~~(29)~~ "Parent" means the natural or adoptive parent but does not include a person whose parental rights have been judicially terminated, nor does it include the putative father of an illegitimate youth unless the putative father's paternity is established by an adjudication or by other clear and convincing proof.

~~(27)~~~~(30)~~ "Probable cause hearing" means the hearing provided for in 41-5-332.

~~(28)~~~~(31)~~ "Regional detention facility" means a youth detention facility established and maintained by two or more counties, as authorized in 41-5-1804.

~~(29)~~~~(32)~~ "Restitution" means payments in cash to the victim or with services to the victim or the general community when these payments are made pursuant to a consent adjustment, consent decree, or other youth court order.

~~(30)~~~~(33)~~ "Running away from home" means that a youth has been reported to have run away from home without the consent of a parent or guardian or a custodian having legal custody of the youth.

~~(31)~~~~(34)~~ "Secure detention facility" means a public or private facility that:

(a) is used for the temporary placement of youth or individuals accused or convicted of criminal offenses or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order; and

(b) is designed to physically restrict the movements and activities of youth or other individuals held in lawful custody of the facility.

~~(32)~~~~(35)~~ "Serious juvenile offender" means a youth who has committed an offense that would be considered a felony offense if committed by an adult and that is an offense against a person, an offense against property, or an offense involving dangerous drugs.

~~(33)~~~~(36)~~ "Shelter care" means the temporary substitute care of youth in physically unrestricting facilities.

~~(34)~~~~(37)~~ "Shelter care facility" means a facility used for the shelter care of youth. The term is limited to the facilities enumerated in 41-5-344.

~~(35)~~~~(38)~~ "Short-term detention center" means a detention facility licensed by the department for the temporary placement or care of youth, for a period not to exceed 10 days excluding weekends and legal holidays, pending a probable cause hearing, release, or transfer of the youth to an appropriate detention facility, youth assessment center, or shelter care facility.

~~(36)~~~~(39)~~ "State youth correctional facility" means a residential facility used for the placement and rehabilitation of delinquent youth, such as the Pine Hills youth correctional facility in Miles City.

~~(37)~~~~(40)~~ "Substitute care" means full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and, if necessary, treatment to youth who are removed from or are without the care and supervision of their parents or guardians.

~~(38)~~~~(41)~~ "Victim" means:

(a) a person who suffers property, physical, or emotional injury as a result of an offense committed by a youth that would be a criminal offense if committed by an adult;

(b) an adult relative of the victim, as defined in subsection ~~(38)~~~~(a)~~~~(41)~~~~(a)~~, if the victim is a minor; and

(c) an adult relative of a homicide victim.

~~(39)~~~~(42)~~ "Youth" means an individual who is less than 18 years of age without regard to sex or emancipation.

~~(40)~~~~(43)~~ "Youth assessment" means a multidisciplinary assessment of a youth as provided in 41-5-1201.

~~(41)~~~~(44)~~ "Youth assessment center" means a staff-secured location that is licensed by the department of public health and human services to hold a youth for up to 10 days for the purpose of providing an immediate and comprehensive community-based youth assessment to assist the youth and the youth's family in addressing the youth's behavior.

~~(42)~~~~(45)~~ "Youth care facility" has the meaning provided in 41-3-1102.

~~(43)~~~~(46)~~ "Youth court" means the court established pursuant to this chapter to hear all proceedings in which a youth is alleged to be a delinquent youth, a youth in need of intervention, or a youth in need of care and includes the youth court judge, probation officers, and assessment officers.

~~(44)~~~~(47)~~ "Youth court records" means information or data, either in written or electronic form, maintained

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

by the youth court pertaining to a youth under jurisdiction of the youth court and includes reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, orders and decrees, youth assessment materials, predispositional studies, and supervision records of probationers. Youth court records do not include information provided by the youth court to the department of public health and human services' management information system.

~~(45)~~(48) "Youth detention facility" means a secure detention facility licensed by the department for the temporary substitute care of youth that is:

- (a) (i) operated, administered, and staffed separately and independently of a jail; or
- (ii) a collocated secure detention facility that complies with 28 CFR, part 31; and
- (b) used exclusively for the lawful detention of alleged or adjudicated delinquent youth or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order.

~~(46)~~(49) "Youth in need of care" has the meaning provided for in 41-3-102.

~~(47)~~(50) "Youth in need of intervention" means a youth who is adjudicated as a youth and who commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense, including but not limited to a youth who:

- (a) violates any Montana municipal or state law regarding alcoholic beverages;
- (b) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or
- (c) has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as a youth in need of intervention."

**Insert: "Section 2.** Section 41-5-121, MCA, is amended to read:

**"41-5-121. Youth placement committees -- composition.** (1) In each judicial district, the ~~department youth court~~ shall establish a youth placement committee for the purposes of:

(a) recommending an appropriate placement of a youth referred to the youth court or the department under 41-5-1512 and 41-5-1513; or

(b) recommending available community services or alternative placements whenever a change is required in the placement of a youth who is currently in the custody of the department under 41-5-1512 or 41-5-1513. However, the committee may not substitute its judgment for that of the superintendent of a state youth correctional facility regarding the discharge of a youth from the facility.

(2) (a) The committee consists of not less than five members and must include persons who are knowledgeable about the youth, treatment and placement options, and other resources appropriate to address the needs of the youth.

~~(b) Members may~~ The committee must include:

- ~~(a)(i) two representatives of a juvenile parole officer employed by the department;~~
- ~~(b)(ii) a representative of the department of public health and human services;~~
- ~~(c)(iii) either the chief probation officer or the youth's probation officer or the chief probation officer's designee, who is the presiding officer of the committee;~~
- ~~(d)(iv) a mental health professional; and~~
- ~~(v) if an Indian youth is involved, a person, preferably an Indian, knowledgeable about Indian culture and Indian family matters.~~

~~(e)(c)~~ The committee may include:

- ~~(i) a representative of a school district located within the boundaries of the judicial district who must have personal has knowledge of and experience with the youth;~~
- ~~(f) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable about Indian culture and family matters;~~
- ~~(g)(ii) a the youth's parent or guardian; and~~

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

~~(ii)~~(iii) a youth services provider; and

(iv) the youth's probation officer.

(3) Committee members serve without compensation.

(4) Notwithstanding the provisions of 41-5-123, the committee may be convened by the department or the probation officer of the youth court.

(5) If a representative of the school district within the boundaries of which the youth is recommended to be placed and will be attending school is not included on the committee, the person who convened the committee shall inform the school district of the final placement decision for the youth.

(6) The department may not disburse funds from the budget allocation accounts established pursuant to [section 11] unless the youth court has established a youth placement committee as provided in this section."

**Insert: "Section 3.** Section 41-5-122, MCA, is amended to read:

**"41-5-122. Duties of the youth placement committee.** A youth placement committee shall:

(1) review all information relevant to the placement of a youth ~~referred or committed to the department;~~

(2) consider available resources appropriate to meet the needs of the youth;

(3) consider the treatment recommendations of any professional person who has evaluated the youth;

(4) consider options for the financial support of the youth;

(5) recommend in writing to the youth court judge or the department an appropriate placement for the youth, considering the age and treatment needs of the youth and the relative costs of care in facilities considered appropriate for placement. A committee shall consider placement in a licensed facility, at a state youth correctional facility, or with a parent, other family member, or guardian.

(6) review temporary and emergency placements as required under 41-5-124; and

(7) conduct placement reviews at least ~~semiannually~~ every 6 months and at other times as requested by the ~~youth court department.~~"

**Insert: "Section 4.** Section 41-5-123, MCA, is amended to read:

**"41-5-123. ~~Youth Judicial districts not participating in juvenile delinquency intervention program -- youth placement committee to submit recommendation to department -- acceptance or rejection of recommendation by department.~~** (1) Prior to commitment of a youth to the department pursuant to 41-5-1512 or 41-5-1513, a youth placement committee must be convened. The committee shall submit in writing to the department and to the youth court judge its primary and alternative recommendations for placement of the youth.

(2) If the department accepts either of the committee's recommendations, it shall promptly notify the committee in writing.

(3) If the department rejects both of the committee's recommendations, it shall promptly notify the committee in writing of the reasons for rejecting the recommendations and shall make an appropriate placement for the youth.

(4) Within 72 hours after making a decision on a placement or change of placement, the department shall notify the youth court of the decision and of the placement or change of placement.

(5) This section applies only in judicial districts that do not participate in the juvenile delinquency intervention program administered by the department under [section 14]."

**Insert: "Section 5.** Section 41-5-124, MCA, is amended to read:

**"41-5-124. Temporary and emergency placements -- limit.** (1) A temporary placement of a youth in a shelter care facility or an emergency placement of a youth in a youth care facility is exempt from the requirements of 41-5-123.

(2) If a temporary or emergency placement of a youth continues for 45 or more days, the department shall refer the placement of the youth to the appropriate youth placement committee for review. The committee shall make a recommendation for placement to the ~~department~~ youth court in accordance with 41-5-123."

**Insert: "Section 6.** Section 41-5-205, MCA, is amended to read:

**"41-5-205. Retention of jurisdiction -- termination.** (1) The court may dismiss a petition or otherwise terminate jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court and except as provided in subsections (2) and (3), the jurisdiction of the court continues until

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

the individual becomes 21 years of age.

(2) Court jurisdiction terminates when:

(a) the proceedings are transferred to district court under 41-5-208 or an information is filed concerning the offense in district court pursuant to 41-5-206;

(b) the youth is discharged by the department; or

(c) execution of a sentence is ordered under 41-5-1605(2)(b)(iii) and the supervisory responsibilities are transferred to the district court under 41-5-1605.

(3) The jurisdiction of the court over an extended jurisdiction juvenile, with respect to the offense for which the youth was convicted as an extended jurisdiction juvenile, extends until the offender becomes 25 years of age unless the court terminates jurisdiction before that date.

(4) The jurisdiction of the court is not terminated if the department issues a release from supervision due to the expiration of a commitment pursuant to 41-5-1522.""

**Insert: "Section 7.** Section 41-5-1503, MCA, is amended to read:

**"41-5-1503. Medical or psychological evaluation of youth -- urinalysis.** (1) The youth court may order a youth to receive a medical or psychological evaluation at any time prior to final disposition if the youth waives the youth's constitutional rights in the manner provided for in 41-5-331. The county determined by the court as the residence of the youth is responsible for the cost of the evaluation, except as provided in subsection (2). A county may contract with the department or other public or private agencies to obtain evaluation services ordered by the court.

(2) The youth court shall determine the financial ability of the youth's parents or guardians to pay the cost of an evaluation ordered by the court under subsection (1). If they are financially able, the court shall order the youth's parents or guardians to pay all or part of the cost of the evaluation.

(3) Subject to 41-5-1512~~(15)(a)~~(1)(o)(i), the youth court may not order an evaluation or placement of a youth at a state youth correctional facility unless the youth is found to be a delinquent youth or is alleged to have committed an offense that is listed under 41-5-206.

(4) An evaluation of a youth may not be performed at the Montana state hospital unless the youth is transferred to the district court under 41-5-208 or 41-5-1605 or the jurisdiction of the youth court is terminated following the filing of an information in district court pursuant to 41-5-206.

(5) In a proceeding alleging a youth to be a delinquent youth, upon a finding of an offense related to use of alcohol or illegal drugs, the court may order the youth to undergo urinalysis for the purpose of determining whether the youth is using alcoholic beverages or illegal drugs.""

**Insert: "Section 8.** Section 41-5-1512, MCA, is amended to read:

**"41-5-1512. Disposition of youth in need of intervention or youth who violate consent adjustments. (1)** If a youth is found to be a youth in need of intervention or to have violated a consent adjustment, the youth court may enter its judgment making one or more of the following dispositions:

~~(1)(a)~~ (a) place the youth on probation. The youth court shall retain jurisdiction in a disposition under this subsection.

~~(2)(b)~~ (b) place the youth in a residence that ensures that the youth is accountable, that provides for rehabilitation, and that protects the public. Before placement, the sentencing judge shall seek and consider placement recommendations from the youth placement committee. ~~The judge may not place the youth in a residence unless the department informs the judge that resources are available for placement of the youth at that residence.~~

~~(3)(c)~~ (c) commit the youth to the department in jurisdictions that do not participate in the juvenile delinquency intervention program or to the youth court in jurisdictions that participate in the juvenile delinquency intervention program for the purposes of funding a private, out-of-home, residential placement subject to the conditions in 41-5-1522. In an order committing a youth to the department or to the youth court, the court shall determine whether continuation in the youth's own home would be contrary to the welfare of the youth and whether reasonable efforts have been made to prevent or eliminate the need for removal of the youth from the youth's home.

~~(4)(d)~~ (d) order restitution for damages that result from the offense for which the youth is disposed by the youth or by the person that contributed to the delinquency of the youth;

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

- ~~(5)(e)~~ require the performance of community service;
- ~~(6)(f)~~ require the youth, the youth's parents or guardians, or the persons having legal custody of the youth to receive counseling services;
- ~~(7)(g)~~ require the medical and psychological evaluation of the youth, the youth's parents or guardians, or the persons having legal custody of the youth;
- ~~(8)(h)~~ require the parents, guardians, or other persons having legal custody of the youth to furnish services the court may designate;
- ~~(9)(i)~~ order further care, treatment, evaluation, or relief that the court considers beneficial to the youth and the community ~~and that does not obligate funding from the department for services outside the state of Montana without the department's approval, except that a youth may not be placed by a youth court in a residential treatment facility as defined in 50-5-101. Only the department may, pursuant to subsection (3) of this section, place a youth in a residential treatment facility.~~
- ~~(10)(j)~~ subject to the provisions of 41-5-1504, commit the youth to a mental health facility if, based upon the testimony of a professional person as defined in 53-21-102, the court finds that the youth is found to be suffering from a mental disorder, as defined in 53-21-102, and meets the criteria in 53-21-126(1);
- ~~(11)(k)~~ place the youth under home arrest as provided in Title 46, chapter 18, part 10;
- ~~(12)(l)~~ order confiscation of the youth's driver's license, if the youth has one, by the probation officer for a specified period of time, not to exceed 90 days. The probation officer shall notify the department of justice of the confiscation and its duration. The department of justice may not enter the confiscation on the youth's driving record. The probation officer shall notify the department of justice when the confiscated driver's license has been returned to the youth. A youth's driver's license may be confiscated under this subsection more than once. The probation officer may, in the probation officer's discretion and with the concurrence of a parent or guardian, return a youth's confiscated driver's license before the termination of the time period for which it had been confiscated. The confiscation may not be used by an insurer as a factor in determining the premium or part of a premium to be paid for motor vehicle insurance covering the youth or a vehicle or vehicles driven by the youth, nor may it be used as grounds for denying coverage for an accident or other occurrence under an existing policy.
- ~~(13)(m)~~ order the youth to pay a contribution covering all or a part of the costs for the adjudication, disposition, attorney fees for the costs of prosecuting or defending the youth, costs of detention, supervision, care, custody, and treatment of the youth, including the costs of counseling;
- ~~(14)(n)~~ order the youth to pay a contribution covering all or a part of the costs of a victim's counseling;
- ~~(15)(o)~~ defer imposition of sentence for up to 45 days for a placement evaluation at a suitable program or facility with the following conditions:
- ~~(a)(i)~~ The court may not order placement for evaluation at a youth correctional facility of a youth who has committed an offense that would not be a criminal offense if committed by an adult or a youth who has violated a consent adjustment.
- ~~(b)(ii)~~ The placement for evaluation must be on a space-available basis at the county's expense, which is not reimbursable under part 19 of this chapter.
- ~~(c)(iii)~~ The court may require the youth's parents or guardians to pay a contribution covering all or a part of the costs of the evaluation if the court determines after an examination of financial ability that the parents or guardians are able to pay the contribution. Any remaining unpaid costs of evaluation are the financial responsibility of the judicial district of the court that ordered the evaluation.
- ~~(16)(p)~~ order placement of a youth in a youth assessment center for up to 10 days;
- ~~(17)(q)~~ order the youth to participate in mediation that is appropriate for the offense committed.
- (2) The court may not order a local government entity to pay for care, treatment, intervention, or placement. A court may order a local government entity to pay for evaluation and in-state transportation of a youth.
- (3) The court may not order a state government entity to pay for care, treatment, intervention, placement, or evaluation that results in a deficit in the account established for that district under [section 11] without approval from the cost containment review panel."

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Insert: "Section 9.** Section 41-5-1513, MCA, is amended to read:

**"41-5-1513. Disposition -- delinquent youth -- restrictions.** (1) If a youth is found to be a delinquent youth, the youth court may enter its judgment making one or more of the following dispositions:

(a) any one or more of the dispositions provided in 41-5-1512;

(b) subject to 41-5-1504, 41-5-1512~~(15)(a)(1)(o)(i)~~, and 41-5-1522, commit the youth to the department for placement in a state youth correctional facility and recommend to the department that the youth not be released until the youth reaches 18 years of age. The court may not place a youth adjudicated delinquent in a state youth correctional facility for an offense that would be a misdemeanor if committed by an adult unless the court finds that the youth presents a danger to the public safety and that the placement is recommended by a mental health professional after evaluation of the youth. The provisions of 41-5-355 relating to alternative placements apply to placements under this subsection (1)(b).

(c) require a youth found to be a delinquent youth, as the result of the commission of an offense that would be a sexual offense or violent offense, as defined in 46-23-502, if committed by an adult, to register as a sexual or violent offender pursuant to Title 46, chapter 23, part 5. The youth court shall retain jurisdiction in a disposition under this subsection.

(d) in the case of a delinquent youth who is determined by the court to be a serious juvenile offender, the judge may specify that the youth be placed in a state youth correctional facility, subject to the provisions of subsection (2), if the judge finds that the placement is necessary for the protection of the public. The court may order the department to notify the court within 5 working days before the proposed release of a youth from a youth correctional facility. Once a youth is committed to the department for placement in a state youth correctional facility, the department is responsible for determining an appropriate date of release or an alternative placement.

(e) impose a fine as authorized by law if the violation alleged would constitute a criminal offense if committed by an adult.

(2) If a youth has been adjudicated for a sex offense, the youth court may require completion of sex offender treatment before a youth is discharged.

(3) The court may not order a local government entity to pay for care, treatment, intervention, or placement. A court may order a local government entity to pay for evaluation and in-state transportation of a youth.

(4) The court may not order a state government entity to pay for care, treatment, intervention, placement, or evaluation that results in a deficit in the account established for that district under [section 11] without approval from the cost containment review panel."

**Insert: "Section 10.** Section 52-5-109, MCA, is amended to read:

**"52-5-109. Commitment expenses -- transportation costs -- arrangement for transportation.** ~~The expenses of committing a youth to the Pine Hills youth correctional facility or the department of corrections and transporting the youth to the Pine Hills youth correctional facility or the place designated by the department for it to receive custody, as well as the expense of returning the youth to the county of residence, must be borne by the county of residence. The district judge shall arrange for transportation of the youth to the place where the department has directed that it will receive custody of the youth.~~

(1) The expenses of committing a youth to the department or to the youth court must be borne by the committing county.

(2) (a) After adjudication, the costs of transporting a youth to and from an out-of-home placement within the state must be paid as follows:

(i) in a jurisdiction that does not participate in the juvenile delinquency intervention program, the county shall pay the costs;

(ii) in a jurisdiction that participates in the juvenile delinquency intervention program, the youth court shall pay the costs from the account established under [section 11] or out of county funds of the committing county.

(b) After adjudication, the costs of transporting a youth to and from an out-of-home placement in another state must be paid by the youth court and must be paid for out of the account established under [section 11], except that the department shall pay transportation costs in a case in which a youth is placed in an out-of-state correctional facility

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

pursuant to 41-5-355.

(3) The youth court probation office shall arrange for all transportation to and from an out-of-home placement except when the youth is under the parole supervision of the department."

**Insert: "NEW SECTION. Section 11. Participating and nonparticipating jurisdictions.** (1) Each judicial district may elect to participate in the juvenile delinquency intervention program.

(2) A jurisdiction that elects to participate in the program may expend funds from a juvenile placement fund for out-of-home placements or for other services intended to reduce or prevent juvenile delinquency subject to restrictions in this chapter and administrative rules adopted by the department.

(3) A jurisdiction that does not elect to participate in the program may commit youth to the department for out-of-home placements pursuant to this chapter.

(4) A jurisdiction that has not previously participated in the program may elect to participate in the program prior to the start of a new biennium. Participation must be for a complete biennium. A jurisdiction may elect to discontinue participation in future bienniums upon 3 months' written notice to the department prior to the beginning of the next biennium.

(5) A youth court that does not participate in the program may not expend any juvenile placement funds for placements or services unless approved by the department pursuant to 41-5-123.

(6) The department shall establish an account for each judicial district in order to administer a juvenile placement fund as appropriated by the legislature. The accounts must be used by the youth courts for funding out-of-home placements."

**Insert: "NEW SECTION. Section 12. Short title.** [Sections 12 through 16 and 18] may be cited as the "Juvenile Delinquency Intervention Act".

**Insert: "NEW SECTION. Section 13. Purpose.** The purposes of [sections 12 through 16 and 18] are to:

- (1) provide an alternate method of funding juvenile placement and services;
- (2) increase the ability of local government to respond to juvenile delinquency through early intervention and expanded community alternatives; and
- (3) enhance the ability of local government to control costs."

**Insert: "NEW SECTION. Section 14. Establishment of program -- department duties.** (1) (a) There is a juvenile delinquency intervention program.

(b) Participation in the juvenile delinquency intervention program is voluntary.

(2) The department and the youth court shall monitor the youth court's account created under [section 11] to ensure that the youth court does not exceed its allocated account budget.

(3) Account funds not used by the youth court for placements must be distributed to participating youth courts in accordance with rules adopted by the department to be used for placement alternatives and early intervention alternatives.

(4) The department shall provide technical assistance to each youth court for the monitoring of account funds and the evaluation and development of placement alternatives and effective intervention programming.

(5) The department shall review and monitor each youth court to enable the development of placement alternatives by the youth courts and the development of early intervention alternatives by the youth courts. The department shall report to the legislature on the results of its monitoring."

**Insert: "NEW SECTION. Section 15. Youth court duties.** Each youth court shall:

- (1) use available resources to develop alternatives for the placement of youth;
- (2) use available resources for early intervention strategies for troubled youth;
- (3) use a risk assessment instrument approved by the department for the measurement of risk assessment and effectiveness of treatment or intervention for youth adjudicated pursuant to 41-5-1512 or 41-5-1513;
- (4) submit quarterly reports to the department documenting the use of diversionary and prevention programs and the use of placement services;
- (5) participate in the cost containment review panel established under [section 17]; and
- (6) provide the department and the legislative auditor with access to all records maintained by the youth



HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

court."

**Insert: "NEW SECTION. Section 16. Judicial districts participating in juvenile delinquency intervention program -- youth placement committee to submit recommendation to department -- acceptance or rejection of recommendation by department.** (1) Prior to commitment of a youth to the custody of the youth court or to the department pursuant to 41-5-1512 or 41-5-1513, a youth placement committee must be convened. The committee shall submit in writing to the youth court judge its primary and alternative recommendations for placement of the youth.

(2) The committee shall first consider placement of the youth in a community-based facility or program and shall give priority to placement of the youth in a facility or program located in the state of Montana.

(3) If in-state alternatives for placement of the youth are inappropriate, the committee may recommend an out-of-state placement. The committee shall state in its recommendation the reasons why in-state services are not appropriate.

(4) The primary and alternative recommendations of the youth placement committee must be for similar facilities or programs. The youth court may require a youth placement committee to reevaluate a youth if the recommended placements are dissimilar.

(5) If the youth court rejects both of the committee's recommendations, it shall promptly notify the committee in writing of the reasons for rejecting the recommendations and shall make an appropriate placement for the youth.

(6) The youth court may not order a placement or change of placement that results in a deficit in the account established for that district under [section 11] without approval from the cost containment review panel.

(7) The youth court shall evaluate the cost of the placement or change of placement and ensure that the placement or change of placement will not overspend the budget allocation provided by the department under [section 11].

(8) This section applies only to those judicial districts that elect to participate in the juvenile delinquency intervention program administered by the department."

**Insert: "NEW SECTION. Section 17. Cost containment review panel.** (1) The department shall establish a cost containment review panel.

(2) The cost containment review panel shall consist of the following members appointed by the department:

- (a) two members from the department of corrections;
- (b) a member from the department of public health and human services;
- (c) a representative from the field of mental health;
- (d) a youth court judge;
- (e) two chief juvenile probation officers;
- (f) a county commissioner; and
- (g) a representative of the youth justice council.

(3) Decisions of the cost containment review panel must be by majority vote.

(4) The cost containment review panel shall determine the distribution of funds allocated in [section 20].

(5) The cost containment review panel may evaluate the effectiveness of new or innovative programs for the treatment of troubled youth and make recommendations to the youth courts and the department.

(6) A youth court shall request funds from the cost containment review panel prior to exceeding its account allocation under [section 11]. If a panel member referred to in subsections (2)(d) through (2)(g) is a resident of or is employed in the judicial district of a youth court requesting cost containment funds, the panel member may not serve as a panel member for purposes of a decision regarding disbursement of cost containment funds to the youth court and an alternate panel member must be appointed by the department for purposes of the decision."

**Insert: "NEW SECTION. Section 18. Rulemaking authority.** (1) The department shall adopt rules necessary for the implementation of [sections 11 through 18 and 20], including but not limited to:

(a) defining and establishing criteria for early intervention regarding troubled youth and the development of community alternatives;

(b) evaluating each youth court to ensure the court is using early intervention strategies and community alternatives and is effectively controlling costs for youth placements;

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

(c) distributing unused account funds to the youth courts;  
(d) determining the allocation of funds to the accounts for the youth courts;  
(e) determining the amount of funds to be withheld by the department as cost containment funds;  
(f) monitoring and auditing each youth court to ensure that account funds are being used as required by law;  
(g) distributing cost containment funds to youth courts;  
(h) monitoring youth courts to promote consistency and uniformity in the placement of juvenile offenders;  
(i) developing procedures for the operation of the cost containment review panel;  
(j) developing of one or more risk assessment tools; and  
(k) developing procedures for removing youth with serious mental illness from the juvenile correctional system.

(2) It is the intent of the legislature that rules adopted by the department encourage the use of local, regional, and state resources for the placement of troubled youth."

**Insert: "NEW SECTION. Section 19. Allocation of first-year funding.** The department of corrections shall use data gathered during the administration of the intervention in delinquency pilot program established under section 73, Chapter 550, Laws of 1997, to assist in determining the allocations to the accounts created under [section 11] during the first year of operation of the juvenile delinquency intervention program established by [section 14]."

**Insert: "NEW SECTION. Section 20. Cost containment fund -- allocation of appropriated funds -- use of funds.**

(1) The department of corrections shall establish a cost containment fund for the purposes of [section 17] and shall allocate to the fund not less than \$1 million each fiscal year from the funds appropriated for the juvenile placement budget for the fiscal biennium beginning July 1, 2001, to be used for the purposes of [section 17].

(2) The department shall determine the amount of the cost containment fund at the beginning of each fiscal year. The cost containment review panel shall submit a recommended amount to be allocated to the cost containment fund at least 1 month prior to the start of a new fiscal year."

**Insert: "NEW SECTION. Section 21. Program progress and report.** The department of corrections shall develop a system of outcome measures during the first 6 months of the operation of the program established in [section 14], use the system to evaluate the progress of the program, and report to the legislature in the manner provided in 5-11-210."

**Insert: "NEW SECTION. Section 22. Codification instruction.** (1) [Sections 11, 17, and 20] are intended to be codified as an integral part of Title 41, chapter 5, part 1, and the provisions of Title 41, chapter 5, part 1, apply to [sections 11, 17, and 20].

(2) [Sections 12 through 16 and 18] are intended to be codified as a new part of Title 41, chapter 5, and the provisions of Title 41, chapter 5, apply to [sections 12 through 16 and 18]."

**Insert: "NEW SECTION. Section 23. Coordination instruction.** If House Bill No. 30 and [this act] are both passed and approved, then House Bill No. 30 is void."

**Insert: "NEW SECTION. Section 24. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Insert: "NEW SECTION. Section 25. Effective date.** [This act] is effective July 1, 2001."

For the Senate:

Grimes, Chairman  
Bishop  
Waterman

For the House:

Shockley, Chairman  
Callahan  
Wolery

FREE CONFERENCE COMMITTEE  
on Senate Bill 398  
Report No. 1, April 18, 2001

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 398** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 398** (reference copy – salmon) be amended as follows:

1. Page 4, line 2 through line 9.

**Strike:** "A" on line 2 through "HOUR." on line 9

**Insert:** "Except as provided in subsections(12)(b) and(12)(c), an applicant who has received a written notice that its application is considered filed pursuant to subsection (8) may:

(i) for a temporary power generation unit or units with a total electrical generation capacity of not more than 125 megawatts, construct the unit or units. Operation of the unit or units may commence upon the department's issuance of a permit under this section.

(ii) for a temporary power generation unit or units with a total electrical generating capacity of 10 megawatts or less, construct and operate the unit or units."

2. Page 4, line 10.

**Following:** "The"

**Insert:** "construction or"

3. Page 4, line 14 through line 16.

**Strike:** "(i)" on line 14 through "(8)." on line 16

4. Page 4, line 17.

**Strike:** "(ii)"

**Insert:** "(i)"

**Following:** "discontinue"

**Insert:** "construction or"

5. Page 4, line 20.

**Strike:** "(iii)"

**Insert:** "(ii)"

6. Page 4, line 23.

**Strike:** "OF ISSUANCE"

**Insert:** "that the department received the permit application"

7. Page 4, line 26 through line 27.

**Strike:** subsection (13) in its entirety

For the Senate:

McNutt, Chairman

Ellis

Ryan

For the House:

Mood, Chairman

R. Brown

Dell

FREE CONFERENCE COMMITTEE

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

on Senate Bill 521  
Report No. 1, April 18, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 521** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 521** (reference copy – salmon) be amended as follows:

1. Page 1, line 24.

**Following:** "users"

**Insert:** "or to increase the available supply of energy"

2. Page 1, line 30.

**Following:** "subdivisions"

**Insert:** "or action is taken to increase the supply of energy"

3. Page 3, line 16.

**Strike:** "This"

**Insert:** "Except as provided in 90-4-313, this"

For the Senate:

McNutt, Chairman  
Ellis  
Ryan

For the House:

Mood, Chairman  
R. Brown  
Dell

**MESSAGES FROM THE GOVERNOR**

April 18, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Beck and Speaker McGee:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 494, **"AN ACT REVISING THE LAWS RELATED TO THE RETAIL TELECOMMUNICATIONS EXCISE TAX TO MAKE IT REVENUE-NEUTRAL AS COMPARED TO THE**

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**TELEPHONE LICENSE TAX AND PROPERTY TAX PROVISIONS THAT IT SUPPLANTED; etc.,"** for the following reasons.

I am in full agreement with the objectives of Senate Bill 494 and with its specific measures. However, it is my understanding that a tax on mobile phone roaming charges will be enacted with the passage of this bill and that such charges are not specifically taxed under current law. As you know, I am firmly against increasing taxes. Accordingly, I recommend that the bill be amended to remove those provisions imposing a tax on roaming charges that are not specifically taxed under current law. I have attached my amendment to that effect.

Senator Cobb, the sponsor of the bill, is aware of and does not oppose my recommendation.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 494

1. Title, line 6

**Following:** "SUPPLANTED;"

**Strike:** "CLARIFYING THE TAXATION OF MOBILE TELECOMMUNICATIONS SERVICES AND ROVING TELECOMMUNICATIONS SERVICES;"

2. Title, line 9

**Following:** "CREDIT;"

**Strike:** "PROVIDING FOR THE ESTABLISHMENT OF AN ELECTRONIC DATABASE CONTAINING ADDRESSES FOR PLACES OF PRIMARY USE UPON AUTHORIZATION OF A LOCAL MOBILE COMMUNICATIONS TAX OR FEE;"

3. Title, line 13

**Following:** "~~AND AN~~"

**Insert:** "AN"

4. Title, line 13

**Following:** "APPLICABILITY"

**Strike:** "DATES"

**Insert:** "DATE"

5. Page 2, lines 19 through 29

**Strike:** Section 1 in its entirety

**Renumber:** subsequent sections

6. Page 3, lines 1 through 7

**Strike:** Section 2 in its entirety

**Renumber:** subsequent sections

7. Page 3, lines 24 through 25

HOUSE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 18, 2001

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

8. Page 3, lines 28 and 29

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

9. Page 6, lines 16 through 18

**Strike:** Section 5 in its entirety

**Renumber:** subsequent sections

10. Page 6, lines 22 and 23

**Following:** "[~~This act~~]"

**Strike:** "(1) Except as provided in subsection (2), [~~This act~~]"

**Insert:** "[This act]"

11. Page 6, line 28

**Strike:** subsection (2) in its entirety

12. Page 6, line 30

**Strike:** "4"

**Insert:** "2"

**MOTIONS**

Representative Himmelberger requested on the conference committee report to **SB 48**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Dell requested on the conference committee report to **SB 4**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:00 a.m., Thursday, April 19, 2001. Motion carried.

House adjourned at 5:03 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 19, 2001

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Davies. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):  
Correctly engrossed: **SJR 21, SJR 22.**

4/19/2001

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 41  
Report No. 1, April 19, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 41**, met April 18, 2001, and considered:

1. Senate Committee on Finance amendments to third reading copy, dated March 20, 2001.

We recommend that **House Bill 41** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 11.

**Following:** "~~FUND~~;"

**Insert:** "PROVIDING FOR THE DEPOSIT OF STATE SCHOOL FUND REVENUE INTO A SUBFUND OF THE STATE GENERAL FUND; PROVIDING FOR THE DEPOSIT IN THE STATE GENERAL FUND OF PROCEEDS FROM THE SALE OF PROPERTY USED IN THE THEFT OR TRANSPORTATION OF STOLEN LIVESTOCK;"

2. Title, page 1, line 12.

**Strike:** "STATE SCHOOL FUND REVENUE"

**Insert:** "TIMBER HARVEST FUNDS"

3. Title, page 1, line 14.

**Following:** "ACQUISITION;"

**Insert:** "ELIMINATING THE REQUIREMENTS FOR REVIEWS OF DEDICATED REVENUE PROVISIONS AND STATUTORY APPROPRIATIONS BY THE LEGISLATIVE FINANCE COMMITTEE;"

4. Title, page 1, line 15.

**Following:** "~~82-4311~~"

**Insert:** "17-1-505, 17-1-508,"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Following:** "20-9-343,"

**Strike:** "AND"

**Following:** "20-9-534,"

**Insert:** "81-5-110, AND 81-5-111,"

5. Page 5, following line 10.

**Insert:** "**Section 1.** Section 17-1-505, MCA, is amended to read:

**"17-1-505. Review of dedicated revenue provisions.** ~~(1) Each interim, the legislative finance committee shall review dedicated revenue provisions based upon procedures established under subsection (4) and the principles of revenue dedication set forth in 17-1-507 to ensure that legislative policy is clearly stated:~~

~~(2)(1)~~ The legislature recognizes that dedicated revenue provisions are subject to review by:

(a) the office of budget and program planning in the development and implementation of the executive budget and analysis of legislation;

(b) the legislative fiscal division in analyzing the executive budget;

(c) the legislative services division in drafting legislation;

(d) the legislative auditor in auditing agencies; and

(e) the department of administration in performing the functions provided for in 17-2-106 and 17-2-111.

~~(3)(2)~~ To avoid unnecessary use of dedicated revenue provisions, the entities listed in subsection ~~(2)~~ (1) shall, in the course of current duties, consider the principles in 17-1-507 and the criteria listed in this subsection for each new or existing dedicated revenue provision. A dedicated revenue provision should not give a program or activity an unfair advantage for funding. The expenditures from a dedicated revenue provision must be based on requirements for meeting a legislatively established outcome. Statutorily mandated programs or activities funded through dedicated revenue provisions from general revenue sources must be reviewed to the same extent as programs or activities funded from the general fund. The use of a dedicated revenue provision may be justified if it satisfies one or more of the following:

(a) The program or activity funded provides direct benefits for those who pay the dedicated tax, fee, or assessment, and the tax, fee, or assessment is commensurate with the costs of the program or activity.

(b) The use of the dedicated revenue provision provides special information or other advantages that could not be obtained if the revenue were allocated to the general fund.

(c) The dedicated revenue provision provides program funding at a level equivalent to the expenditures established by the legislature.

(d) The dedicated revenue provision involves collection and allocation formulas that are appropriate to the present circumstances and current priorities in state government.

(e) The dedicated revenue provision does not impair the legislature's ability to scrutinize budgets, control expenditures, and establish priorities for state spending.

(f) The dedicated revenue provision results in an appropriate projected ending fund balance.

(g) The dedicated revenue provision fulfills a continuing, legislatively recognized need.

(h) The dedicated revenue provision does not result in accounting or auditing inefficiency.

~~(4) The committee shall establish procedures to facilitate a biennial review and evaluation of dedicated revenue provisions.~~

~~(5) Upon completion of the review, the committee shall report a summary of its findings to the legislature, including its recommendation of termination or extension, with or without modification, of the dedicated revenue provision."~~

**Insert:** "**Section 2.** Section 17-1-508, MCA, is amended to read:

**"17-1-508. Review of statutory appropriations.** ~~(1) Each interim, the legislative finance committee shall, based upon procedures established pursuant to subsection (5), review statutory appropriations that are contained in the sections listed in 17-7-502 to eliminate those that no longer fulfill a legislative need and to ensure that legislative policy is clearly stated concerning the use of statutory appropriations:~~



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~(2)~~(1) Each biennium, the office of budget and program planning shall, in development of the executive budget, review and identify instances in which statutory appropriations in current law do not appear consistent with the guidelines set forth in subsection ~~(3)~~ (2).

~~(3)~~(2) The review of statutory appropriations must determine whether a statutory appropriation meets the requirements of 17-7-502. A statutory appropriation from a continuing and reliable source of revenue may not be used to fund administrative costs. In reviewing and establishing statutory appropriations, the legislature shall consider the following guidelines. A statutory appropriation may be considered appropriate if:

- (a) the fund or use requires an appropriation;
- (b) the money is not from a continuing, reliable, and estimable source;
- (c) the use of the appropriation or the expenditure occurrence is not predictable and reliable;
- (d) the authority does not exist elsewhere;
- (e) an alternative appropriation method is not available, practical, or effective;
- (f) other than for emergency purposes, it does not appropriate money from the state general fund;
- (g) the money is dedicated for a specific use;
- (h) the legislature wishes the activity to be funded on a continual basis; and
- (i) when feasible, an expenditure cap and sunset date are included.

~~(4)~~(3) The office of budget and program planning shall prepare a fiscal note for each piece of legislation that proposes to create or amend a statutory appropriation. It shall, consistent with the guidelines in this section, review each of these pieces of legislation. Its findings concerning the statutory appropriation must be contained in the fiscal note accompanying that legislation.

~~(5) The legislative finance committee shall establish procedures to facilitate a biennial review and evaluation of statutory appropriations. Upon completion of the review, the committee shall report a summary of its findings to the legislature, including a recommendation for terminating, extending, or modifying the statutory appropriations reviewed."~~

**Renumber:** subsequent sections

6. Page 5, line 28.

**Strike:** "81-5-111;"

7. Page 6, line 16.

**Following:** "into"

**Insert:** "a subfund of"

**Following:** "general"

**Strike:** "special revenue"

**Insert:** "general"

8. Page 7, lines 5 and 6.

**Following:** "~~fund~~"

**Strike:** remainder of line 5 through "fund" on line 6

**Insert:** "paid into a subfund of the state general fund"

9. Page 7, line 8.

**Following:** "20-9-342"

**Strike:** "must" through "account"

10. Page 7, line 11.

**Following:** "~~to be~~"

**Strike:** "must be paid into"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert:** "to"

11. Page 7, line 12.

**Following:** "account"

**Insert:** "in the state special revenue fund"

12. Page 7, line 14.

**Following:** "20-9-342"

**Strike:** "must" through "account"

13. Page 7, following line 23

**Insert:** "**Section 7.** Section 81-5-110, MCA, is amended to read:

**"81-5-110. Sale at public auction -- retention of property.** (1) Vehicles, equipment, and personalty forfeited under 81-5-109 may be sold at public auction in the manner of sales of personal property under execution and may be sold by any sheriff, livestock inspector, or other peace officer.

(2) The department may retain the vehicles, equipment, and personalty forfeited under 81-5-109 for official use by the department, including personnel training. If the department retains forfeited property that it determines to be suitable for everyday use by department personnel, the department shall reduce similar property purchases accordingly.

(3) Money forfeited under 81-5-109 must be ~~placed in the special revenue account created in 81-5-111(2) for use by the department for personnel training or enforcement purposes~~ deposited in the state general fund."

**Insert:** "**Section 8.** Section 81-5-111, MCA, is amended to read:

**"81-5-111. Disposition of proceeds -- special revenue account.** (1) After deducting the expenses of retaining the vehicle, equipment, or personalty and the cost of the sale, the officer making the sale or the department, if it retains the vehicle, equipment, or personalty, shall pay all liens to the extent that the balance of sale proceeds permit, according to the lien priorities that are established by intervention or otherwise. A lien must be bona fide and have been created without the lien or having any notice or reasonable cause to believe that the vehicle, equipment, or personalty was being or was to be used for the theft or illegal transportation.

(2) ~~There is an account in the state special revenue fund. The proceeds from the sale of vehicles, equipment, and personalty provided for in 81-5-110 must be deposited in the account, are statutorily appropriated, as provided in 17-7-502, and must be used by the department for personnel training or enforcement purposes~~ state general fund."

**Insert:** "**NEW SECTION. Section 9. Coordination instruction.** If House Bill No. 41 and Senate Bill No. 495 are both passed and approved, then:

(1) [section 1(1)] of Senate Bill No. 495 must read as follows:

"(1) As used in [sections 1 through 3], "distributable revenue" means, except for that portion of revenue described in 20-9-343(3)(a)(ii), 77-1-607, and 77-1-613, 95% of all revenue from the management of school trust lands and the permanent fund, including timber sale proceeds, lease fees, interest, dividends, and net realized capital gains."

(2) [section 3(1)] of Senate Bill No. 495 must read as follows:

"(1) There is a guarantee account in a subfund of the state general fund. The guarantee account is intended to stabilize the long-term growth of the permanent fund and to maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the guarantee account. Except as provided in subsection (2), the guarantee account must be distributed to school districts through the basic and per-ANB entitlements."

**Renumber:** subsequent section

For the House:

Witt, Chairman

For the Senate:

Keenan, Chairman

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Tropila  
Vick

Jergeson  
Miller

FREE CONFERENCE COMMITTEE  
on House Bill 146  
Report No. 1, April 18, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 146**, met April 18, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 27, 2001:

We recommend that **House Bill 146** (reference copy – salmon) be amended as follows:

1. Title, line 6 through line 8.

**Following:** "YOUTH;" on line 6

**Strike:** remainder of line 6 through "DELINQUENTS;" on line 8

2. Title, line 9.

**Strike:** "41-5-121, 41-5-122, 41-5-123, 41-5-124,"

**Following:** "41-5-203,"

**Strike:** "41-5-205,"

**Following:** "41-5-206,"

**Strike:** "41-5-1512,"

3. Title, line 10.

**Strike:** "41-5-1513, 52-5-109,"

4. Page 2, line 27.

**Following:** "private"

**Insert:** ", physically secure"

5. Page 2, line 27 through line 28.

**Following:** "facility" on line 27

**Strike:** remainder of line 27 through "offenses" on line 28

**Insert:** "under contract with the department and operated solely for the purpose of housing adjudicated delinquent youth"

6. Page 7, line 21 through page 10, line 22.

**Strike:** section 2 through section 5 in their entirety

**Renumber:** subsequent sections

7. Page 11, line 21 through page 12, line 6.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

8. Page 14, line 21 through page 18, line 11.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Strike:** section 9 through section 11 in their entirety

**Renumber:** subsequent sections

9. Page 18, line 21.

**Following:** "returned to"

**Strike:** "the"

**Insert:** "a"

**Following:** "facility"

**Strike:** "from which the youth was released"

10. Page 18, line 23.

**Following:** line 22

**Insert:** "(2) Pending the hearing on a violation and pending the department's decision, a youth may not be detained except when the youth's detention or care is required to protect the person or property of the youth or of others or when the youth may abscond or be removed from the community. The department shall determine the place and manner of detention pursuant to 41-5-348 and is responsible for the cost of the detention. Procedures for taking a youth into custody and detention of a youth charged with violation of the youth's parole agreement are as provided in 41-5-321."

**Renumber:** subsequent subsections

11. Page 19, line 11.

**Following:** "a"

**Strike:** "recommendation to the department"

**Insert:** "decision"

12. Page 19, line 12.

**Following:** "this"

**Strike:** "recommendation"

**Insert:** "decision"

13. Page 19, line 23 through line 28.

**Strike:** subsection (7) in its entirety

**Renumber:** subsequent subsections

14. Page 19, line 29.

**Following:** "decision"

**Strike:** "is"

**Following:** "made"

**Insert:** "under subsection (6) is"

**Following:** "youth to"

**Strike:** "the"

**Insert:** "a"

15. Page 19, line 29 through line 30.

**Following:** "facility" on line 29

**Strike:** remainder of line 29 through "released" on line 30

16. Page 20, line 2 through line 4.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Strike:** subsection (9) in its entirety

**Insert:** "(9) If a decision is made under subsection (6) to revoke the parole of a youth who was placed in and released from an alternative facility under 41-5-355 because of overcrowding in a state youth correctional facility, the youth may be placed in a state youth correctional facility if the state youth correctional facility is no longer overcrowded."

17. Page 20, line 6 through page 28, line 17.

**Strike:** section 13 through section 23 in their entirety

Renumber: subsequent sections

For the House:

Shockley, Chairman  
Callahan  
Wolery

For the Senate:

Grimes, Chairman  
Halligan  
McNutt

FREE CONFERENCE COMMITTEE  
on House Bill 124  
Report No. 1, April 19, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 124**, met April 18, 2001, and considered:

1. Senate Committee on taxation amendments to third reading copy, dated April 9, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated April 10, 2001.

We recommend that **House Bill 124** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 12.

**Strike:** "OFFSET PROPERTY TAX REDUCTIONS"

**Insert:** "REPLACE REIMBURSEMENTS AND TO ACCOUNT FOR REVENUE ALLOCATIONS; CALCULATING ENTITLEMENTS BY DEDUCTING DISTRICT COURT COSTS AND PUBLIC ASSISTANCE COSTS"

2. Title, page 1, line 24.

**Following:** "EXPENSES;"

**Insert:** "PROVIDING FOR FUND TRANSFERS FROM THE GENERAL FUND TO STATE AGENCIES TO ACCOUNT FOR REVISED REVENUE ALLOCATIONS; INCLUDING STATE PAYMENTS IN LIEU OF TAXES FOR STATE LAND IN THE ENTITLEMENT SHARE CALCULATION; PROVIDING FOR CERTAIN UNIFORM VEHICLE FEES; RETAINING VEHICLE FEES, ALCOHOL TAXES, AND GAMBLING TAXES AT THE STATE LEVEL; REVISING THE FUNDING METHOD FOR PROVIDING PUBLIC ASSISTANCE; CONVERTING CERTAIN SPECIAL LEVIES INTO FEES; PROVIDING FOR BLOCK GRANTS FOR SCHOOL DISTRICTS; PROVIDING FOR BLOCK GRANTS TO COUNTIES FOR DISTRIBUTION TO SCHOOL DISTRICTS FOR PURPOSES OF COUNTYWIDE SCHOOL TRANSPORTATION AND COUNTYWIDE SCHOOL RETIREMENT; APPROPRIATING MONEY FOR SCHOOL DISTRICT BLOCK GRANTS, COUNTYWIDE SCHOOL TRANSPORTATION BLOCK GRANTS, COUNTYWIDE SCHOOL RETIREMENT BLOCK GRANTS, AND DISTRICT COURT

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

EXPENSES;"

3. Title, page 1, line 25.

**Following:** "~~3-5-901,~~"

**Insert:** "3-2-714, 3-5-901,"

4. Title, page 1, line 26.

**Strike:** "~~7-6-2324,~~"

5. Title, page 1, line 27.

**Following:** "~~7-6-2523,~~"

**Insert:** "7-6-2523,"

6. Title, page 2, line 7.

**Following:** "~~10-2-603,~~"

**Insert:** "10-2-501, 10-2-603,"

7. Title, page 2, line 8.

**Strike:** "~~15-1-111, 15-1-112,~~"

**Following:** "~~15-1-501,~~"

**Insert:** "15-1-501,"

8. Title, page 2, line 10.

**Following:** "~~17-3-222,~~"

**Insert:** "15-16-117, 15-24-303, 15-24-902, 15-24-904, 15-24-921, 15-24-922, 15-24-925, 15-30-121, 15-31-114, 16-1-404, 16-1-406, 16-1-411,"

9. Title, page 2, line 10.

**Following:** "~~19-6-709,~~"

**Insert:** "19-6-709,"

10. Title, page 2, line 11.

**Following:** "~~20-9-141,~~"

**Insert:** "20-9-141,"

11. Title, page 2, line 12.

**Following:** "~~20-10-146,~~"

**Insert:** "20-9-331, 20-9-333, 20-9-501, 20-10-144, 20-10-146,"

**Following:** "~~20-25-1002,~~"

**Insert:** "20-25-1002,"

12. Title, page 2, line 14.

**Following:** "~~25-1-201,~~"

**Insert:** "23-2-508, 23-2-510, 23-2-512, 23-2-518, 23-2-611, 23-2-612, 23-2-615, 23-2-616, 23-2-803, 23-2-804, 23-2-811, 23-2-812, 23-2-814, 23-2-818, 23-5-610, 25-1-201,"

13. Title, page 2, line 15.

**Following:** "~~42-2-105,~~"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert:** "40-4-215, 40-4-226, 41-3-1122, 42-2-105,"

14. Title, page 2, line 16.

**Following:** "~~53-3-116~~,"

**Insert:** "52-6-105, 53-2-207, 53-2-301, 53-2-304, 53-2-612, 53-3-115, 53-3-116,"

15. Title, page 2, line 19.

**Following:** "~~67-3-205~~,"

**Insert:** "61-1-102, 61-3-203, 61-3-321, 61-3-325, 61-3-332, 61-3-406, 61-3-411, 61-3-412, 61-3-426, 61-3-431, 61-3-457, 61-3-465, 61-3-509, 61-3-524, 61-3-527, 61-3-707, 61-3-738, 61-9-312, 61-10-130, 61-10-148, 61-10-225, 67-3-205,"

16. Title, page 2, line 20.

**Following:** "~~75-10-533~~,"

**Insert:** "72-16-909, 72-16-912, 75-10-533,"

**Following:** "~~76-13-201~~,"

**Insert:** "76-13-201,"

17. Title, page 2, line 25.

**Following:** "~~81-7-202~~,"

**Insert:** "77-1-502, 77-1-503, 77-1-504, 80-2-201, 80-2-203, 80-2-204, 80-2-205, 80-2-206, 80-2-207, 80-2-209, 80-2-221, 80-2-222, 80-2-224, 80-2-225, 80-2-226, 80-2-228, 80-2-229, 80-2-230, 80-2-231, 80-2-232, 80-2-244, 80-7-814, 80-7-815, 80-7-816, 80-7-822, 81-6-101, 81-6-104, 81-6-106, 81-6-204, 81-6-205, 81-6-209, 81-6-210, 81-7-104, 81-7-113, 81-7-114, 81-7-118, 81-7-201, 81-7-202,"

18. Title, page 2, line 27.

**Following:** "~~2001~~"

**Insert:** ", AND SECTION 5, CHAPTER 95, LAWS OF 2001"

19. Title, page 2, line 28.

**Strike:** "3-5-404," on line 28

20. Title, page 2, line 30.

**Strike:** "AND"

21. Title, page 3, line 4.

**Following:** "~~87-1-604~~,"

**Insert:** "15-31-701, 15-31-702, 17-3-214, 20-25-1007, 52-1-110, 53-2-302, 53-2-306, 53-2-322, 53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247, 61-3-508, 61-3-510, 61-3-511, 61-3-512, 76-1-405, 76-1-407, 77-1-505, 77-1-506, 77-1-507, 80-2-223, AND 80-7-810,"

**Strike:** ", AND SECTIONS 66(2) AND 68(2), CHAPTER 422, LAWS OF 1997"

22. Title, page 3, line 5.

**Strike:** "AN"

**Following:** "APPLICABILITY"

**Insert:** "DATES AND A RETROACTIVE APPLICABILITY"

23. Page 6, line 5 through line 7.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Strike:** "THE" on line 5 through "1999." on line 7

**Insert:** "The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle and boat taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-321;

(v) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001, and 61-3-537; and

(vi) Title 61, chapter 3, part 7;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-1-1103;

(iv) 25-9-506;

(v) 25-9-804; and

(vi) 27-9-103;

(e) certificate of ownership fees for manufactured homes pursuant to 15-1-116;

(f) financial institution taxes pursuant to Title 15, chapter 31, part 7;

(g) coal severance taxes allocated for county land planning pursuant to 15-35-108;

(h) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

(i) late filing fees pursuant to 61-3-201;

(j) title and registration fees pursuant to 61-3-203;

(k) disabled veterans' flat license plate fees and purple heart license plate fees pursuant to 61-3-332;

(l) county personalized license plate fees pursuant to 61-3-406;

(m) special mobile equipment fees pursuant to 61-3-431;

(n) single movement permit fees pursuant to 61-4-310;

(o) state aeronautics fees pursuant to 67-3-101; and

(p) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

(2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.

(b) The amount estimated pursuant to subsections (1) and (2)(a) is each local government's base year component. The sum of all local governments' base year components is the base year entitlement share pool.

(3) (a) Beginning with fiscal year 2002 and in each succeeding fiscal year, the base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. For fiscal years 2002 and 2003, the growth rate is 3%. Beginning with calendar year 2004, by October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

following manner:

(i) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection (3)(a)(i)(A).

(ii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection (3)(a)(ii)(A).

(b) (i) For fiscal year 2004 and subsequent fiscal years, the entitlement share pool growth rate for the first year of the biennium must be the following percentage of the average of the growth rates calculated in subsections (3)(a)(i)(B) and (3)(a)(ii)(B):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(ii) The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections (3)(a)(i)(A) and (3)(a)(ii)(A):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%."

**Renumber:** subsequent subsections

24. Page 6, lines 9 and 10.

**Following:** "and" on line 9

**Insert:** "and"

**Strike:** ", A SCHOOL" on line 9 through "MILLS" on line 10

25. Page 6, line 15.

**Strike:** "THE TERM DOES NOT INCLUDE THE STATE."

**Insert:** "A local government does not include a tax increment financing district provided for in subsection (6). For purposes of calculating the base year component for a county or consolidated local government, the department shall include the revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1)."

26. Page 6, line 16.

**Following:** "~~(A)~~"

**Insert:** "(a)"

**Strike:** "local government entitlements"

**Insert:** "entitlement share pools"

27. Page 6, line 17.

**Following:** "~~(C)~~"

**Insert:** "and the block grants provided for in subsection (6)"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

28. Page 6, line 18.

**Following:** "governments."

**Insert:** "Each local government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool."

29. Page 9, line 13.

**Following:** line 12

**Insert:** "(b) (i) For fiscal year 2002, the growth amount is the difference between the fiscal year 2002 entitlement share pool and the base year entitlement share pool. For fiscal year 2003 and each succeeding fiscal year, the growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the base year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the base year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the base year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount is distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(vi) For fiscal year 2002, an amount equal to the district court costs identified in subsection (2) must be added to each county government's distribution from the entitlement share pool.

(6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing district referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b) terminates.

(b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (6)(a), the entitlement share for tax increment financing districts is as follows:

Cascade Great Falls - downtown	\$500,033
--------------------------------	-----------

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Cascade Great Falls - Pasta Montana	7,546
Deer Lodge TIF District 1	3,148
Deer Lodge TIF District 2	3,126
Flathead Kalispell - District 1	914,815
Flathead Kalispell - District 2	5,153
Flathead Kalispell - District 3	41,368
Flathead Whitefish District	244,346
Gallatin Bozeman - downtown	34,620
Lewis and Clark Helena - #2	781,870
Missoula Missoula - 1-1B & 1-1C	1,238,878
Missoula Missoula - 4-1C	38,566
Missoula Airport - 20-3A	828
Silver Bow Butte - uptown	340,197
Silver Bow Ramsay	10,580
Yellowstone Billings	610,977

(c) The entitlement share for industrial tax increment financing districts is as follows:

(i) for fiscal years 2002 and 2003:

Missoula	County Airport Industrial	\$4,812
Silver Bow	Ramsay Industrial	597,594;

(ii) for fiscal years 2004 and 2005:

Missoula	County Airport Industrial	\$2,406
Silver Bow	Ramsay Industrial	298,797; and

(iii) \$0 for all succeeding fiscal years.

(d) The entitlement share for industrial tax increment financing districts referred to in subsection (6)(c) may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the tax increment financing industrial district.

(e) One-half of the payments provided for in subsection (6)(c) must be made by July 30, and the other half must be made in December of each year.

(7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from countywide transportation block grants or from countywide retirement block grants.

(8) The estimates for the base year entitlement share pool in subsection (1) must be calculated as if the fees in Chapter 515, Laws of 1999, were in effect for all of fiscal year 2001.

(9) (a) If revenue that is included in the sources listed in subsections (1)(b) through (1)(p) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.

(b) For the purposes of subsection (9)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.

(10) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).

(11) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(12) A local government may appeal the department's estimation of the base year component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211."

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

30. Page 12, line 27.

**Insert: "NEW SECTION. Section 3. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

- (a) \$2,873,853 in fiscal year 2002;
- (b) \$2,916,961 in fiscal year 2003;
- (c) \$2,960,715 in fiscal year 2004; and

(d) in each succeeding fiscal year, the amount in subsection (2)(c), increased by 1.5% in each succeeding fiscal year.

(3) For fiscal year 2002 and for each succeeding fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

- (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to Title 61, chapter 3, part 3. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532;

- (b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in 23-2-803; and

(ii) \$1.50 for each light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles weighing more than 1 ton, motorcycle, quadricycle, and motor home subject to registration or reregistration pursuant to 61-3-321;

- (c) to the department of fish, wildlife, and parks:

(i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) \$5 for each snowmobile registered under 23-2-616, with \$2.50 to be used for enforcing the purposes of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities;

- (iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;

(iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 for each recreational vehicle, camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 or 61-3-524; and

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h); and

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement.

[(f) 25 cents a year for each vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in [section 1 of Senate Bill No. 447].]

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(4) For fiscal year 2002, there is transferred from the state general fund to the state special revenue fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in lieu of the amount deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001.

(5) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available.

(6) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

**Renumber:** subsequent sections

31. Page 15, line 16.

**Insert:** "Section 6. Section 3-2-714, MCA, is amended to read:

**"3-2-714. Civil legal assistance for indigent victims of domestic violence account.** (1) There is a civil legal assistance for indigent victims of domestic violence account in the state special revenue fund. ~~There must be paid into this account the filing fees paid under 25-1-201(4)(a) and (11).~~ There must be paid into this account the filing fees paid under 25-1-201(3) and (5). The money in the account must be used solely for the purpose of providing legal representation for indigent victims in civil matters in domestic violence cases and for alternative dispute resolution initiatives in family law cases. Money in the account may not be used for class action lawsuits.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. The supreme court administrator may designate nonprofit organizations that ordinarily render or finance legal services to indigent persons in civil matters in domestic violence cases to receive or administer the distribution of the funds.""

**Renumber:** subsequent sections

32. Page 17, line 1.

**Insert:** "Section 7. Section 3-5-901, MCA, is amended to read:

**"3-5-901. State assumption of certain district court expenses -- designation as district court reimbursement program.** (1) To the extent that revenue is available under ~~61-3-509~~ 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001, the state shall fund:

(a) the following district court expenses in criminal cases only:

- (i) salaries of court reporters;
- (ii) fees for transcripts of proceedings;
- (iii) witness fees and necessary expenses;
- (iv) juror fees;
- (v) expenses for indigent defense; and
- (vi) expenses for psychiatric examinations;

(b) the district court expenses, as listed in subsection (1)(a), in all postconviction proceedings held pursuant to Title 46, chapter 21, and in all habeas corpus proceedings held pursuant to Title 46, chapter 22, and appeals from those proceedings;

(c) the following expenses incurred by the state in federal habeas corpus cases that challenge the validity of a conviction or of a sentence:

- (i) transcript fees;
- (ii) witness fees; and
- (iii) expenses for psychiatric examinations; and

(d) the following expenses incurred by the state in a proceeding held pursuant to Title 41, chapter 3, part 4 or 6, that seeks temporary investigative authority of a youth, temporary legal custody of a youth, or termination of the

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

parent-child legal relationship and permanent custody:

- (i) transcript fees;
- (ii) witness fees;
- (iii) expenses for medical and psychological evaluation of a youth or the youth's parent, guardian, or other person having physical or legal custody of the youth except for expenses for services that a person is eligible to receive under a public program that provides medical or psychological evaluation;
- (iv) expenses associated with appointment of a guardian ad litem or child advocate for the youth;
- (v) expenses for appointed counsel for the youth;
- (vi) expenses for appointed counsel for the parent, guardian, or other person having physical or legal custody of the youth; and
- (vii) expenses associated with court-ordered alternative dispute resolution.

(2) If revenue received under ~~61-3-509~~ 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001, for district court expenses exceeds the amount appropriated by the legislature to fund the expenses of the appellate defender program, the excess amount is statutorily appropriated, as provided in 17-7-502, to the supreme court to fund the expenses described in subsections (1)(a) through (1)(d), the district court grant program as described in subsection (4)(a), and the costs of administering this section.

(3) All revenue disbursed under this section must be deposited in and credited to the district court fund. If a district court fund does not exist, the revenue must be deposited in the county general fund for district court operations.

- (4) If money appropriated for the expenses listed in subsection (1):
- ~~(a)~~ exceeds the amount necessary to fully fund those expenses, the remaining excess amounts must be used for district court grants as provided in 7-6-2352; ~~or~~
  - ~~(b)~~ is insufficient to fully fund those expenses, the county is responsible for payment of the balance. ""

**Renumber:** subsequent sections

33. Page 24, line 2 through line 12.

**Strike:** section 17 in its entirety

**Renumber:** subsequent sections

34. Page 28, line 25.

**Insert:** "Section 27. Section 7-6-2523, MCA, is amended to read:

**"7-6-2523. Special service levies replaced by all-purpose mill levy.** A county using the all-purpose mill levy may not impose any of the following levies:

- (1) general fund levy, as provided in 7-6-2501;
- (2) bridge levy, as provided in 7-14-2502;
- (3) recreation levy, as provided in 7-16-101;
- (4) county fair levy, as provided in 7-21-3410;
- (5) weed levy, as provided in 7-22-2142;
- (6) insect pest levy, as provided in 7-22-2306;
- ~~(7) poor fund levy, as provided in 53-2-322; or~~
- ~~(8)(7)~~ developmental disabilities facility levy, as provided in 53-20-208. ""

**Renumber:** subsequent sections

35. Page 74, line 13.

**Insert:** "Section 89. Section 10-2-501, MCA, is amended to read:

**"10-2-501. Interment allowance for veterans -- payment by county of residence -- veterans' interment supervisor -- definitions.** (1) The board of commissioners of each county in this state shall designate a person in the county, preferably a veteran, as veterans' interment supervisor.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(2) The veterans' interment supervisor shall cause to be decently interred the body or cremated remains of any veteran who was a resident of the state of Montana at the time of death. In performing this duty, the veterans' interment supervisor shall ensure that the desires of the veteran's personal representative or heirs are not violated. The veterans' interment supervisor may not receive any compensation for duties performed in compliance with this part.

(3) The interment may not be made in a burial ground or cemetery or in a portion of a burial ground or cemetery used exclusively for the interment of pauper dead.

(4) A sum not to exceed \$250 to defer interment expenses must be paid by the veteran's county of residence.

(5) The interment benefits are not available in the case of a veteran whose personal representative or heirs waive the benefits.

(6) Whenever interment is of a resident of a Montana veterans' home, a sum not to exceed \$250 to defer interment expenses must be paid by the veteran's county of residence.

(7) If a veteran dies while temporarily absent from the state or county of residence, the provisions of this section apply and the interment expenses not exceeding the amount specified in this section must be paid in the same manner as provided in this section.

(8) When a veteran dies at an institution of the state of Montana, other than a Montana veterans' home, at a federal institution, or at a private facility and interment for any cause is not made in the veteran's county of residence, the officers of the institution or facility shall provide the proper interment prescribed in this section. The reimbursement for the expense of each interment may not exceed \$250. The expense must be paid by the veteran's county of residence.

(9) An interment may not be covered by any special or standing contract under which the cost of interment is reduced below the maximum amount fixed in this section, to the disparagement of proper interment.

(10) The veterans' interment supervisor shall, upon request of the deceased veteran's personal representative or heirs, assist in applying to the proper authority for a suitable headstone, as provided by act of congress, and in placing the headstone on the veteran's grave. The reimbursement costs for the shipping and raising of the headstone may not exceed an amount equal to the actual cost paid, up to \$70, and must be paid by the veteran's county of residence at the time of death. The expense must be audited and paid as provided in this section for interment expenses.

~~(11) After payment of the first \$30 from county funds, the county treasurer may withhold an amount of the county total monthly remittance to the state treasurer equal to the actual cost paid, up to \$40, for the shipping and raising of each headstone.~~

~~(12)~~(11) As used in this part, the following definitions apply:

(a) "Interment" has the meaning provided in 37-19-101.

(b) "Residence" is determined as provided in 13-1-112. If the intent of the veteran regarding residence cannot be determined under 13-1-112, the costs of interment must be paid by the veteran's county of residence at the time of admittance into a Montana veterans' home, a state or federal institution, or a private facility.""

**Renumber:** subsequent sections

36. Page 74, line 23.

**Insert:** "Section 90. Section 10-2-603, MCA, is amended to read:

**"10-2-603. Special revenue account -- use of funds -- solicitation.** (1) There is an account in the special revenue fund to the credit of the department of military affairs for the state veterans' cemeteries.

(2) Plot allowances, and donations, ~~and, as provided in 61-3-332, revenue from veterans' license plate sales~~ must be deposited into the account.

(3) As appropriated by the legislature, money in the account may be used only for the construction, maintenance, operation, and administration of the state veterans' cemeteries.

(4) The department of military affairs may solicit veterans' license plate sales and donations on behalf of the state veterans' cemeteries.""

**Renumber:** subsequent sections

37. Page 75, line 2 through page 81, line 12.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Strike:** sections 87 and 88 in their entirety

**Renumber:** subsequent sections

38. Page 84, line 30.

**Insert:** "Section 93. Section 15-1-501, MCA, is amended to read:

**"15-1-501. Disposition of money from certain designated license and other taxes.** (1) The state treasurer shall deposit to the credit of the state general fund in accordance with the provisions of subsection (3) all money received from the collection of:

- (a) income taxes, interest, and penalties collected under chapter 30;
- (b) ~~except as provided in 15-31-702,~~ all taxes, interest, and penalties collected under chapter 31;
- (c) oil and natural gas production taxes allocated under 15-36-324~~(8)(a)~~ (9)(a) and ~~(10)(a)~~ (11)(a);
- (d) electrical energy producer's license taxes under chapter 51;
- (e) ~~for an amount equal to 25% of~~ the retail telecommunications excise tax collected under Title 15, chapter 53, part 1;
- (f) liquor license taxes under Title 16;
- (g) fees from driver's licenses, motorcycle endorsements, and duplicate driver's licenses as provided in 61-5-121;
- (h) estate taxes under Title 72, chapter 16; and
- (i) fees based on the value of currency on deposit and tangible personal property held for safekeeping by a foreign capital depository as provided in 15-31-803.

(2) The department shall also deposit to the credit of the state general fund all money received from the collection of license taxes and fees and all net revenue and receipts from all other sources under the operation of the Montana Alcoholic Beverage Code.

(3) Notwithstanding any other provision of law, the distribution of tax revenue must be made according to the provisions of the law governing allocation of the tax that were in effect for the period in which the tax revenue was recorded for accounting purposes. Tax revenue must be recorded as prescribed by the department of administration, pursuant to 17-1-102(2) and (4), in accordance with generally accepted accounting principles.

(4) All refunds of taxes must be attributed to the funds in which the taxes are currently being recorded. All refunds of interest and penalties must be attributed to the funds in which the interest and penalties are currently being recorded.""

**Renumber:** subsequent sections

39. Page 88, line 11.

**Following:** the third "property"

**Insert:** "or as nonagricultural land as described in 15-6-133(1)(c)"

40. Page 88.

**Following:** line 11

**Insert:** "(c) For the purposes of this section, newly taxable property does not include an increase in appraised value of land that was previously valued at 75% of the value of improvements on the land, as provided in 15-7-111(4) and (5), as those subsections applied on December 31, 2001."

41. Page 88.

**Following:** line 23

**Insert:** "(7) In determining the maximum number of mills in subsection (1), the governmental entity may increase the number of mills to account for a decrease in reimbursements."

**Renumber:** subsequent subsections



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

42. Page 89, line 3.

**Strike:** "(8)(a)"

**Insert:** "(9)(a)"

43. Page 89, line 22.

**Insert:** "Section 95. Section 15-16-117, MCA, is amended to read:

**"15-16-117. Personal property -- treasurer's duty to collect certain taxes.** (1) The county treasurer shall demand payment of ~~poor fund taxes, authorized by 53-2-322, and~~ road taxes, authorized by 7-14-2206 or 7-14-2501 through 7-14-2504, from each person liable for the taxes whose name does not appear on the property tax record. On the neglect or refusal of a person to pay the taxes, the treasurer shall collect the taxes by seizure and sale of any property owned by the person.

(2) Subject to 15-10-420, these taxes must be added in the property tax record to other property taxes of persons paying taxes upon real and personal property and must be paid to the county treasurer at the time of payment of other taxes.

(3) The procedure for the sale of property by the county treasurer for the taxes is regulated by 15-16-119 and 15-17-911.

(4) The provisions of this section do not apply to property for which delinquent property taxes have been suspended or canceled under the provisions of Title 15, chapter 24, part 17."

**Renumber:** subsequent sections

44. Page 90, line 8.

**Insert:** "Section 96. Section 15-24-303, MCA, is amended to read:

**"15-24-303. (Temporary) Proration of tax on personal property -- refund.** (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock ~~assessed~~ for which a fee is imposed under 15-24-902(2).

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613.

**15-24-303. (Effective January 1, 2003) Proration of tax on personal property -- refund.** (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock subject to the per capita ~~levy~~ fee under 15-24-921.

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613."

**Renumber:** subsequent sections

45. Page 90, line 26.

**Insert:** "Section 97. Section 15-24-902, MCA, is amended to read:

**"15-24-902. (Temporary) Assessment Number of livestock -- ~~election for assessment on average inventory basis.~~** (1) Except as provided in subsection (2), the department of revenue shall ~~assess~~ determine the number of all nonexempt livestock in each county where they are located on February 1 of each year. The livestock must be ~~assessed~~ assigned to the person by whom they were owned or claimed or in whose possession or control they were at midnight of February 1 in that year.

(2) An owner of livestock may elect to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis as provided in 15-24-927. The owner shall file an election with the department on the statement required under 15-24-903. An owner of livestock making an election to have a fee imposed on nonexempt livestock

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~assessed~~ on the average inventory basis is bound by that election for 6 years. After 6 years, the election to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis remains in effect unless the owner otherwise notifies the department before February 1.

**15-24-902. (Effective January 1, 2003) Assessment Number of livestock.** The department shall ~~assess~~ determine the number of livestock for the purposes of the per capita ~~levy fee~~ imposed under 15-24-921 in each county where they are located on February 1 of each year. The livestock must be ~~assessed~~ assigned to the person by whom they were owned or claimed or in whose possession or control they were at midnight of February 1 in that year.""

**Renumber:** subsequent sections

46. Page 91, line 7.

**Insert:** "Section 98. Section 15-24-904, MCA, is amended to read:

**"15-24-904. (Temporary) Penalty for violation of law.** If any person, company, or corporation who is the owner or is in charge of any livestock within this state fails to make the statement or statements as provided in 15-24-903, the department shall, after 10 days' notice to the person who failed to file the report, assess the penalty provided in 15-8-309.

**15-24-904. (Effective January 1, 2003) Penalty for violation of law.** If a person, company, or corporation who is the owner or is in charge of livestock within this state fails to make the statement or statements as provided in 15-24-903, the department shall, after 10 days' notice to the person who failed to file the report, access the penalty provided in 15-8-309 ~~for the~~ on the per capita ~~levy fee~~, as provided in 15-24-921.""

**Renumber:** subsequent sections

47. Page 91, line 17.

**Insert:** "Section 99. Section 15-24-921, MCA, is amended to read:

**"15-24-921. Per capita ~~tax~~ levy fee to pay expenses of enforcing livestock laws.** (1) In addition to appropriations made for those purposes, a per capita ~~tax fee~~ is authorized and directed to be ~~levied~~ imposed by the department on all poultry and bees, all swine 3 months of age or older, and all other livestock 9 months of age or older in each county of this state for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the livestock laws of the state and for the payment of bounties on wild animals as provided in 81-7-104.

(2) As used in this section, "livestock" means cattle, sheep, swine, poultry, bees, goats, horses, mules, asses, llamas, alpacas, domestic bison, ostriches, rheas, and emus, and domestic ungulates.""

**Renumber:** subsequent sections

48. Page 92, line 24.

**Insert:** "Section 100. Section 15-24-922, MCA, is amended to read:

**"15-24-922. (Temporary) Board of livestock to prescribe per capita ~~levy fee~~ -- refunds -- per capita ~~levy fee~~ on average inventory.** (1) The board of livestock shall annually prescribe the amount of the per capita ~~levy fee~~ to be made against livestock of all classes for the purpose indicated in 15-24-921.

(2) The per capita ~~tax~~ levy fee must be calculated each year to provide not more than 110% of the average annual revenue that was generated in the 3 previous years. The calculation must apply a reasonable factor for nonpayment and late payment of ~~taxes~~ fees and for reimbursement to the ~~counties~~ department pursuant to 15-24-925 for collection of the ~~levy fee~~.

(3) (a) A livestock owner taxed under 15-24-920 is entitled to a refund of the per capita ~~levy fee~~ collected under 15-24-921 based on the number of months the livestock have taxable situs in the state. The amount of the refund is equal to the ratio of the number of months that the livestock do not have taxable situs in the state to the number of months in the tax year, multiplied by the original per capita ~~levy fee~~ due. A taxpayer shall apply to the board of livestock on a form prescribed by the board for a refund allowed under this subsection by January 31 following the ~~taxable~~ tax year. The application must include a statement showing the date when the livestock were moved out of the state.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(b) Except as provided in subsection (3)(c), for the purposes of 15-24-921 and this section, the per capita ~~levy~~ fee may not be prorated.

(c) A taxpayer whose livestock are taxed on the average inventory basis for property tax purposes must also be ~~taxed~~ subject to the fee on an average inventory basis for the purposes of 15-24-921 and this section. All other livestock subject to the per capita ~~tax-levy fee~~ must be reported on February 1 of each year.

**15-24-922. (Effective January 1, 2003) Board of livestock to prescribe per capita ~~levy~~ fee -- refunds.** (1) The board of livestock shall annually prescribe the amount of the per capita ~~levy~~ fee to be made against livestock of all classes for the purpose indicated in 15-24-921.

(2) The per capita ~~tax-levy fee~~ must be calculated each year to provide not more than 110% of the average annual revenue that was generated in the 3 previous years. The calculation must apply a reasonable factor for nonpayment and late payment of ~~taxes fees~~ and for reimbursement to the ~~counties~~ department pursuant to 15-24-925 for collection of the ~~levy~~ fee.

(3) (a) A livestock owner who moves livestock between states is entitled to a refund of the per capita ~~levy~~ fee collected under 15-24-921 based on the number of months that the livestock have ~~taxable~~ situs in Montana. The amount of the refund is equal to the ratio of the number of months that the livestock do not have ~~taxable~~ situs in the state to the number of months in the ~~tax~~ year, multiplied by the original per capita ~~levy~~ fee due. A taxpayer shall apply to the board of livestock on a form prescribed by the board for a refund allowed under this subsection by January 31 of the following ~~the taxable~~ year. The application must include a statement showing the date when the livestock were moved out of the state.

(b) For the purposes of 15-24-921 and this section, the per capita ~~levy~~ fee may not be prorated.""

**Renumber:** subsequent sections

49. Page 93, line 8.

**Insert:** "Section 101. Section 15-24-925, MCA, is amended to read:

**"15-24-925. Reimbursement to ~~county~~ department -- transmission of taxes fees from ~~county~~ to state treasurer.** (1) The ~~county treasurer~~ department may withhold 2% of the money received under 15-24-921 as reimbursement ~~to the county~~ for the collection of the ~~levy~~ fee on livestock.

(2) ~~Except for the amount withheld under subsection (1), the taxes levied and the money collected pursuant to the provisions of 15-24-922 must be transmitted to the state treasury by the county treasurer of each county, as provided in 15-1-504, but not later than July 1 following assessment.~~ The ~~county treasurer~~ department shall designate the amount received from the ~~tax levied fee~~ imposed on sheep and the amount received from the ~~tax levied fee~~ imposed on all other livestock and shall specify the separate amounts in the report to the ~~state treasurer~~ department of livestock. The money, when received by the ~~state treasurer~~ department, must be deposited in an account in the special revenue fund to the credit of the department of livestock. The money in the account must be kept separate from other funds received by the department of livestock.""

**Renumber:** subsequent sections

50. Page 96, line 9.

**Insert:** "Section 102. Section 15-30-121, MCA, is amended to read:

**"15-30-121. Deductions allowed in computing net income.** (1) In computing net income, there are allowed as deductions:

(a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code of 1954 (26 U.S.C. 161 and 211), or as sections 161 and 211 are labeled or amended, subject to the following exceptions, which are not deductible:

- (i) items provided for in 15-30-123;
- (ii) state income tax paid;
- (iii) premium payments for medical care as provided in subsection (1)(g)(i);
- (iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii);

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

- (b) federal income tax paid within the tax year;
- (c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as follows:
  - (i) expenses for household and dependent care services necessary for gainful employment incurred for:
    - (A) a dependent under 15 years of age for whom an exemption can be claimed;
    - (B) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and
    - (C) a spouse who is unable to provide self-care because of physical or mental illness;
  - (ii) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:
    - (A) household services that are attributable to the care of the qualifying individual; and
    - (B) care of an individual who qualifies under subsection (1)(c)(i);
  - (iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;
  - (iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:
    - (A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed \$4,800;
    - (B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses incurred during the year do not exceed:
      - (I) \$2,400 in the case of one qualifying individual;
      - (II) \$3,600 in the case of two qualifying individuals; and
      - (III) \$4,800 in the case of three or more qualifying individuals;
    - (v) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess of the combined adjusted gross income over \$18,000;
    - (vi) for purposes of this subsection (1)(c):
      - (A) married couples shall file a joint return or file separately on the same form;
      - (B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:
        - (I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or
        - (II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);
        - (C) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;
        - (D) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;
        - (E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;
    - (d) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code (now repealed) that were in effect for the tax year ended December 31, 1978;
    - (e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;
    - (f) contributions to the child abuse and neglect prevention program provided for in 41-3-701, subject to the

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

conditions set forth in 15-30-156;

(g) the entire amount of premium payments made by the taxpayer, except premiums deducted in determining Montana adjusted gross income, or for which a credit was claimed under 15-30-128, for:

(i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and

(ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:

(A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or

(B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996;

(h) contributions to the Montana drug abuse resistance education program provided for in 44-2-702, subject to the conditions set forth in 15-30-159; ~~and~~

(i) light vehicle registration fees, as provided for in 61-3-560 through 61-3-562, paid during the tax year; and

(j) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses considered to have been paid for the care of the child.

(b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection (2). (Subsection (1)(h) terminates on occurrence of contingency--sec. 12, Ch. 808, L. 1991.)"

**Renumber:** subsequent sections

51. Page 98, line 20.

**Insert: "Section 103.** Section 15-31-114, MCA, is amended to read:

**"15-31-114. Deductions allowed in computing income.** (1) In computing the net income, the following deductions are allowed from the gross income received by the corporation within the year from all sources:

(a) all the ordinary and necessary expenses paid or incurred during the taxable year in the maintenance and operation of its business and properties, including reasonable allowance for salaries for personal services actually rendered, subject to the limitation contained in this section, and rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title or in which it has no equity. A deduction is not allowed for salaries paid upon which the recipient has not paid Montana state income tax. However, when domestic corporations are taxed on income derived from outside the state, salaries of officers paid in connection with securing the income are deductible.

(b) (i) all losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear and obsolescence of property used in the trade or business. The allowance is determined according to the provisions of section 167 of the Internal Revenue Code in effect with respect to the taxable year. All elections for depreciation must be the same as the elections made for federal income tax purposes. A deduction is not allowed for any amount paid out for any buildings, permanent improvements, or betterments made to increase the value of any property or estate, and a deduction may not be made for any amount of expense of restoring property or making good the exhaustion of property for which an allowance is or has been made. A depreciation or amortization deduction is not allowed on a title plant as defined in 33-25-105(15).

(ii) There is allowed as a deduction for the taxable period a net operating loss deduction determined according to the provisions of 15-31-119.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(c) in the case of mines, other natural deposits, oil and gas wells, and timber, a reasonable allowance for depletion and for depreciation of improvements. The reasonable allowance must be determined according to the provisions of the Internal Revenue Code in effect for the taxable year. All elections made under the Internal Revenue Code with respect to capitalizing or expensing exploration and development costs and intangible drilling expenses for corporation license tax purposes must be the same as the elections made for federal income tax purposes.

(d) The amount of interest paid within the year on its indebtedness incurred in the operation of the business from which its income is derived. Interest may not be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance, or improvement of property or for the conduct of business unless the income from the property or business would be taxable under this part.

(e) (i) taxes paid within the year, except the following:

(A) taxes imposed by this part;

(B) taxes assessed against local benefits of a kind tending to increase the value of the property assessed;

(C) taxes on or according to or measured by net income or profits imposed by authority of the government of the United States;

(D) taxes imposed by any other state or country upon or measured by net income or profits.

(ii) Taxes deductible under this part must be construed to include taxes imposed by any county, school district, or municipality of this state.

(f) that portion of an energy-related investment allowed as a deduction under 15-32-103;

(g) (i) except as provided in subsection (1)(g)(ii), charitable contributions and gifts that qualify for deduction under section 170 of the Internal Revenue Code, as amended.

(ii) The public service commission may not allow in the rate base of a regulated corporation the inclusion of contributions made under this subsection.

(h) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) In lieu of the deduction allowed under subsection (1)(g), the taxpayer may deduct the fair market value, not to exceed 30% of the taxpayer's net income, of a computer or other sophisticated technological equipment or apparatus intended for use with the computer donated to an elementary, secondary, or accredited postsecondary school located in Montana if:

(a) the contribution is made no later than 5 years after the manufacture of the donated property is substantially completed;

(b) the property is not transferred by the donee in exchange for money, other property, or services; and

(c) the taxpayer receives a written statement from the donee in which the donee agrees to accept the property and representing that the use and disposition of the property will be in accordance with the provisions of subsection (2)(b).

(3) In the case of a regulated investment company or a fund of a regulated investment company, as defined in section 851(a) or 851(h) of the Internal Revenue Code of 1986, as that section may be amended or renumbered, there is allowed a deduction for dividends paid, as defined in section 561 of the Internal Revenue Code of 1986, as that section may be amended or renumbered, except that the deduction for dividends is not allowed with respect to dividends attributable to any income that is not subject to tax under this chapter when earned by the regulated investment company. For the purposes of computing the deduction for dividends paid, the provisions of sections 852(b)(7) and 855 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, apply. A regulated investment company is not allowed a deduction for dividends received as defined in sections 243 through 245 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered.""

**Renumber:** subsequent sections

52. Page 100, line 1.

**Insert:** "Section 104. Section 16-1-404, MCA, is amended to read:

**"16-1-404. License tax on liquor -- amount -- distribution of proceeds.** (1) The department shall collect

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

at the time of sale and delivery of any liquor under any provisions of the laws of the state of Montana a license tax of:

(a) 10% of the retail selling price on all liquor sold and delivered in the state by a company that manufactured, distilled, rectified, bottled, or processed and that sold more than 200,000 proof gallons of liquor nationwide in the calendar year preceding imposition of the tax pursuant to this section;

(b) 8.6% of the retail selling price on all liquor sold and delivered in the state by a company that manufactured, distilled, rectified, bottled, or processed and that sold not more than 200,000 proof gallons of liquor nationwide in the calendar year preceding imposition of the tax pursuant to this section.

(2) The license tax must be charged and collected on all liquor brought into the state and taxed by the department. The retail selling price must be computed by adding to the cost of the liquor the state markup as designated by the department. The license tax must be figured in the same manner as the state excise tax and is in addition to the state excise tax. The department shall retain in a separate account the amount of the license tax received. The department, in accordance with the provisions of 15-1-501, shall allocate the revenue as follows:

(a) ~~Thirty percent is allocated to the counties according to the amount of liquor purchased in each county to be distributed to the incorporated cities and towns, as provided in subsection (4).~~

(b) ~~Four and one-half percent is allocated to the counties according to the amount of liquor purchased in each county, and this money may be used for county purposes. Thirty-four and one-half percent is allocated to the state general fund.~~

~~(c)(b)~~ Sixty-five and one-half percent must be deposited in the state special revenue fund to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism.

(3) ~~(a) In the case of purchases of liquor by a retail liquor licensee for use in the licensee's business, the department shall make regulations necessary to apportion that proportion of license tax so generated to the county where the licensed establishment is located, for use as provided in 16-1-405.~~

~~(b) The department shall pay quarterly to each county treasurer the proportion of the license tax due each county, in accordance with the provisions of 15-1-501, to be allocated to the incorporated cities and towns of the county. The payments to counties under this section are statutorily appropriated, as provided in 17-7-502.~~

~~(4) The license tax proceeds allocated to the county under subsection (2) for use by cities and towns must be distributed by the county treasurer to the incorporated cities and towns within 30 days of receipt from the department. The distribution of funds to the cities and towns must be based on the proportion that the gross sale of liquor in each city or town is to the gross sale of liquor in all of the cities and towns of the county.~~

~~(5)(3)~~ The license tax proceeds that are allocated to the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism must be credited quarterly to the department of public health and human services. The legislature may appropriate a portion of the license tax proceeds to support alcohol programs. The remainder must be distributed as provided in 53-24-206.""

**Renumber:** subsequent sections

53. Page 100, line 28.

**Insert: "Section 105.** Section 16-1-406, MCA, is amended to read:

**"16-1-406. Taxes on beer.** (1) A tax of \$4.30 per barrel of 31 gallons is imposed on each barrel of beer sold in Montana by a wholesaler. The tax is due at the end of each month from the wholesaler upon beer sold by the wholesaler during that month. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

(2) Each quarter, in accordance with the provisions of 15-1-501, of the tax collected pursuant to subsection (1), an amount equal to:

(a) \$1 must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism; and

(b) ~~50 cents the remainder~~ must be deposited in the state general fund; ~~and~~

(c) ~~\$2.80 must be deposited with the state treasurer to the credit of the incorporated cities and towns beer tax account in the state special revenue fund.~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~(3) (a) The money in the incorporated cities and towns beer tax account is statutorily appropriated, as provided in 17-7-502, to the department, which shall, monthly, distribute this amount of money to the incorporated cities and towns in the direct proportion that the population of each city and town bears to the total population of all incorporated cities and towns as shown in the latest official federal census as adjusted by the most recent population estimates published by the U.S. bureau of the census. For cities and towns incorporated after the latest official federal census, the census must be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials of that city or town. If a city or town disincorporates, it may not receive any funds under this section and the amount previously distributed to the city or town must be distributed to the remaining incorporated cities and towns. All funds received by cities and towns under this section must be expended for state purposes, such as law enforcement, maintenance of the transportation system, and public health.~~

~~(b) The department may adjust population estimates only on the July 1 following the date of publication of the estimates by the U.S. bureau of the census. The adjusted distribution formula must remain in effect for the entire fiscal year."~~

**Renumber:** subsequent sections

54. Page 101, line 26.

**Insert:** "Section 106. Section 16-1-411, MCA, is amended to read:

**"16-1-411. Tax on wine and hard cider -- penalty and interest.** (1) (a) A tax of 27 cents per liter is imposed on table wine, except hard cider, imported by a table wine distributor or the department.

(b) A tax of 3.7 cents per liter is imposed on hard cider imported by a table wine distributor or the department.

(2) The tax imposed in subsection (1) must be paid by the table wine distributor by the 15th day of the month following sale of the table wine or hard cider from the table wine distributor's warehouse. Failure to file a tax return or failure to pay the tax required by this section subjects the table wine distributor to the penalties and interest provided for in 15-1-216.

(3) The tax paid by a table wine distributor in accordance with subsection (2) must, in accordance with the provisions of 15-1-501, be distributed as follows:

(a) ~~59%~~ 69% to the state general fund; and

(b) 31% to the state special revenue fund to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism;

(c) ~~5%~~ is statutorily appropriated, as provided in 17-7-502, to the department for allocation to the counties, based on population, for the purpose established in 16-1-404; and

(d) ~~5%~~ is statutorily appropriated, as provided in 17-7-502, to the department for allocation to the cities and towns, based on population, for the purpose established in 16-1-405.

(4) The tax computed and paid in accordance with this section is the only tax imposed by the state or any of its subdivisions, including cities and towns.

(5) For purposes of this section, ~~the following definitions apply:~~

(a) ~~"Based on population" means:~~

(i) ~~for counties, the direct proportion that the population of each county bears to the total population of all counties as shown in the latest official federal census as adjusted by the most recent population estimates published by the U.S. bureau of the census as provided in 16-1-406; and~~

(ii) ~~for cities, the distribution described in 16-1-406; and~~

(b) ~~"Table "table wine" has the meaning assigned in 16-1-106, but does not include hard cider."~~

**Renumber:** subsequent sections

55. Page 102, line 24.

**Strike:** "15-31-702;"

56. Page 102, line 25.



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Strike:** "16-1-404; 16-1-406; 16-1-411;"

57. Page 102, line 26.

**Strike:** "19-6-709;"

58. Page 102, line 28.

**Strike:** "23-5-610;"

59. Page 102, line 30.

**Strike:** "67-3-205;"

60. Page 103, line 1.

**Strike:** "77-1-505;"

61. Page 104, line 26.

**Insert:** "**Section 108.** Section 19-6-709, MCA, is amended to read:

**"19-6-709. (Temporary) Supplemental benefits for certain retirees.** (1) In addition to any retirement benefit payable under this chapter, a retired member or a survivor determined by the board to be eligible under subsection (2) must receive an annual lump-sum benefit payment beginning in September 1991 and each succeeding year as long as the member remains eligible.

(2) To be eligible for the benefits under this section, a person must be receiving a monthly benefit before July 1, 1991, may not be covered by 19-6-710, and must be:

(a) a retired member who is 55 years of age or older and who has been receiving a service retirement benefit for at least 5 years prior to the date of distribution;

(b) a survivor of a member who would have been eligible under subsection (2)(a); or

(c) a recipient of a disability or survivorship benefit under 19-6-601 or 19-6-901.

(3) A retired member otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19 is ineligible to receive any lump-sum benefit payments provided for in this section until the member's service in the covered position is terminated. Upon termination of the member's covered service, the retired member becomes eligible in the next fiscal year succeeding the member's termination.

(4) ~~(a) An amount equal to 25 cents of each motor vehicle registration fee provided for in 61-3-321(5) must be paid from the general fund to the pension trust fund at the end of each fiscal year. The payment is statutorily appropriated, as provided in 17-7-502, to the pension fund for payment of benefits to eligible recipients. The total funds must be distributed by the board in lump-sum payments to eligible recipients along with their normal retirement benefit payment.~~

~~(b)~~ The lump-sum payment must be distributed proportionally to all eligible recipients based on service credit at the time of retirement, subject to the following:

~~(i)(a)~~ a recipient under subsection (2)(c) is considered to have 20 years of service for the purposes of the distributions;

~~(ii)(b)~~ any recipient of a service retirement benefit exceeding the maximum monthly benefit under 19-6-707(2)(a) must have the recipient's service credit reduced 25% for the purposes of the distributions;

~~(iii)(c)~~ the maximum annual increase in the amount of supplemental benefits paid to each individual under this section is the percentage increase for the previous calendar year in the annual average consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor or its successor agency.

~~(c) Any amount deposited in the pension trust fund under subsection (4)(a) for the payment of supplemental benefits under this section that exceeds the limitation of subsection (4)(b)(iii) must be used to amortize unfunded liabilities of the retirement system.~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~(5) Every 10 years following July 1, 1991, the board shall review the size of the additional fee collected under 61-3-321(5) and paid to the pension trust fund in accordance with subsection (4)(a) and recommend to each legislature following the board's review any legislation necessary to reduce the fee to the minimum amount necessary to provide the supplemental benefits provided by this section. (Terminates upon death of last eligible recipient--sec. 1, Ch. 567, L. 1991.)"~~

**Renumber:** subsequent sections

62. Page 113, line 4.

**Insert: "Section 117.** Section 20-9-141, MCA, is amended to read:

**"20-9-141. Computation of general fund net levy requirement by county superintendent.** (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353, including any additional funding for a general fund budget that exceeds the maximum general fund budget.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

~~(ii) 98% of actual amounts received in fiscal year 1999 for light vehicle taxes under 61-3-504;~~

~~(iii)~~ (ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

~~(A) revenue from taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

~~(B)~~ (A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

~~(C)~~ (B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;

~~(iv)~~ (iii) anticipated tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2);

~~(v)~~ (iv) anticipated oil and natural gas production taxes;

~~(vi)~~ (v) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703; and

~~(vi) school district block grants distributed under [section 244] and property tax reimbursements under 15-1-111, 15-1-112, and section 167, Chapter 584, Laws of 1999; and~~

~~(vii) anticipated revenue from corporation license taxes collected from financial institutions under the provisions of 15-31-702.~~

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Subtract any amount remaining after the determination in subsection (1)(c) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703 and property tax reimbursements under 15-1-111, 15-1-112, and section 167, Chapter 584, Laws of 1999. ""

**Renumber:** subsequent sections

63. Page 114, line 17.

**Insert: "Section 119.** Section 20-9-331, MCA, is amended to read:

**"20-9-331. Basic county tax for elementary equalization and other revenue for county equalization of elementary BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204, for the purposes of elementary equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the elementary BASE funding programs of the school districts in the county and to the state general fund in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the BASE funding programs of all elementary districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the state treasurer for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed by this section and the revenue from the following sources must be used for the equalization of the elementary BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds distributed to a county and designated for the elementary county equalization fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established or referred to in this section;

(e) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(f) gross proceeds taxes from coal under 15-23-703; and

(g) oil and natural gas production taxes; and

~~(h) anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-529, 61-3-537, 61-3-570, and 67-3-204. ""~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Renumber:** subsequent sections

64. Page 115, line 18.

**Insert:** "Section 120. Section 20-9-333, MCA, is amended to read:

**"20-9-333. Basic county tax for high school equalization and other revenue for county equalization of high school BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county shall levy an annual basic county tax of 22 mills on the dollar of the taxable value of all taxable property within the county, except for property subject to a tax or fee under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204, for the purposes of high school equalization and state BASE funding program support. The revenue collected from this levy must be apportioned to the support of the BASE funding programs of high school districts in the county and to the state general fund in the following manner:

(a) In order to determine the amount of revenue raised by this levy that is retained by the county, the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the county's high school tuition obligation and the total of the BASE funding programs of all high school districts of the county.

(b) If the basic levy and other revenue prescribed by this section produce more revenue than is required to repay a state advance for county equalization, the county treasurer shall remit the surplus funds to the state treasurer for deposit to the state general fund immediately upon occurrence of a surplus balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The revenue realized from the county's portion of the levy prescribed in this section and the revenue from the following sources must be used for the equalization of the high school BASE funding program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue by the county treasurer in accordance with 20-9-212(1):

(a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's accounts for the various sources of revenue established in this section;

(b) any federal or state money distributed to the county as payment in lieu of property taxation, including federal forest reserve funds allocated under the provisions of 17-3-213;

(c) gross proceeds taxes from coal under 15-23-703; and

(d) oil and natural gas production taxes; and

~~(e) anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-529, 61-3-537, 61-3-570, and 67-3-204.~~"

**Renumber:** subsequent sections

65. Page 120, line 1.

**Insert:** "Section 121. Section 20-9-501, MCA, is amended to read:

**"20-9-501. Retirement fund.** (1) The trustees of a district employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems. The district's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:  
(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year; ~~including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) countywide school retirement block grants distributed under [section 245];

~~(iv)~~(v) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

~~(v)~~(vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.

(b) notwithstanding the provisions of subsection (8), subtracting the money available for reduction of the levy requirement, as determined in subsection (3)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(4) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(5) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

(6) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(7) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(8) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (4)(a) by the sum of:

(a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the taxable valuation of the district divided by 1,000.

(9) The levy for a community college district may be applied only to property within the district.""

**Renumber:** subsequent sections

66. Page 125, line 2.

**Insert: "Section 122.** Section 20-10-144, MCA, is amended to read:

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget.** Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate for each bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus

(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus

(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or \$100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus

(e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence.

(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and county revenue to be budgeted on the following basis:

(i) one-half is the budgeted state transportation reimbursement, except that the state transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 must be 50% of the schedule amount attributed to the transportation of special education pupils; and

(ii) one-half is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

~~(e) anticipated or reappropriated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~(f)~~(e) anticipated revenue from coal gross proceeds under 15-23-703;  
~~(g)~~(f) anticipated oil and natural gas production taxes;  
~~(h)~~(g) anticipated local government severance tax payments for calendar year 1995 production;  
~~(i)~~(h) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;

(i) school district block grants distributed under [section 244];

(j) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and

(k) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund must be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and

(b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).

(5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142.""

**Renumber:** subsequent sections

67. Page 127, line 29.

**Insert: "Section 123.** Section 20-10-146, MCA, is amended to read:

**"20-10-146. County transportation reimbursement.** (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year, ~~including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(ii) oil and natural gas production taxes;  
(iii) anticipated local government severance tax payments for calendar year 1995 production;  
(iv) coal gross proceeds taxes under 15-23-703;  
(v) countywide school transportation block grants distributed under [section 246];  
~~(v)~~(vi) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;  
~~(vi)~~(vii) federal forest reserve funds allocated under the provisions of 17-3-213; and  
~~(vii)~~(viii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and  
(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments.""

**Renumber:** subsequent sections

68. Page 129, line 26.

**Insert:** "Section 127. Section 20-25-1002, MCA, is amended to read:

**"20-25-1002. State motorcycle safety account -- proceeds earmarked for account.** (1) There is a state motorcycle safety account in the treasury of the state of Montana.

(2) Money collected and accrued from motorcycle safety training courses, motorcycle endorsement fees, motorcycle ~~registration~~ safety fees, and designated grants or an amount equal to that amount must be deposited in the state motorcycle safety account and must be available to support only approved motorcycle safety training courses, appropriate instructor of motorcycle safety training, and other related motorcycle safety training activities.""

**Renumber:** subsequent sections

69. Page 134, line 26.

**Insert:** "Section 129. Section 23-2-508, MCA, is amended to read:

**"23-2-508. Certificate of ownership -- filing of security interests.** (1) Except as provided in subsection (9), a motorboat or sailboat 12 feet in length or longer may not be operated upon the waters of the state unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.

(2) The owner of a motorboat or sailboat 12 feet in length or longer shall apply for a certificate of ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon forms furnished by the department of justice. The forms must require the following information:

- (a) name of the owner;
- (b) residence of the owner, by town or county;
- (c) business or home address of the owner;
- (d) name and address of any lienholder;
- (e) amount due under any contract or lien;
- (f) name of the manufacturer;
- (g) model number or name;
- (h) identification number;
- (i) name and address of the dealer or other person from whom acquired, if known; and
- (j) other information ~~as~~ that the department of justice may require.



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(3) The application is to be accompanied by documentation of ownership, such as an invoice, a bill of sale, a foreign title, an official certificate of boat number, a fee in lieu of tax receipt, or a certificate of ownership of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide proof of ownership shall provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired, from whom acquired, if known, and other information requested by the department of justice.

(4) If a certificate of ownership has previously been issued under the provisions of this part, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused vessels or that were operated when the provisions of this part were not in force and effect.

(5) A motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other identifying number on the motorboat or sailboat must be assigned an identification number by the department of fish, wildlife, and parks. A fee of \$1 must be paid to the department for an assignment of number.

(6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application for a certificate of ownership to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership containing that information in the application considered necessary by the department and a permanent boat number. The certificate of ownership need not be renewed annually and is valid as long as the person holding it owns the vessel.

(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, ~~\$3.50 of~~ which must be forwarded by the county treasurer to the department of justice and deposited in the general fund.

(9) A person who, on July 1, 1988, is the owner of a motorboat or sailboat 12 feet in length or longer with a valid certificate of number issued by the state is not required to file an application for a certificate of ownership for the motorboat or sailboat unless the person transfers a part of the person's interest in the motorboat or sailboat or renews the certificate of number for the motorboat or sailboat.

(10) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the boat encumbered. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete boat description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the boat encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county in which the boat is to be registered. The owner of a boat is the person entitled to operate and possess the boat.

(11) A security interest in a boat held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9.

(12) Whenever a security interest or lien is filed against a boat that is subject to two security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This boat is subject to additional security interest on file with the Department of Justice." No other information regarding the additional security interests need be endorsed on the certificate.

(13) Satisfactions or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(14) Except as provided in subsection (15), a voluntary security interest or lien is perfected on the date the lien

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(15) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department of justice shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the existence of the security interest.

(16) Upon default under a chattel mortgage or conditional sales contract covering a boat, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a boat, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(17) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that the person fails to file the satisfaction.

(18) Upon receipt of notice of any involuntary liens or attachments against the record of any boat registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(19) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(20) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a boat. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of any security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

**Renumber:** subsequent sections

70. Page 136, line 23.

**Insert: "Section 130.** Section 23-2-510, MCA, is amended to read:

**"23-2-510. Transfer of interest.** (1) Except as provided in subsection (3), upon a transfer of a certificate of ownership to a motorboat or sailboat 12 feet in length or longer registered as required under the provisions of this part, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the motorboat or sailboat in the appropriate space provided on the reverse side of the certificate, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 30 calendar days after endorsement, the transferee shall make application for transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and also make application for registration of the motorboat or sailboat. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until any outstanding certificate is surrendered to the department or its loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, of which ~~\$3.50~~ must be forwarded to the department of justice for deposit in the general fund.

(3) A purchaser of a new or used motorboat or sailboat 12 feet in length or longer from a licensed dealer has

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

a grace period of 30 calendar days from the date of purchase to register the motorboat or sailboat, make application for a certificate of ownership, and obtain a decal indicating that the fee in lieu of property tax has been paid on the vessel for the current year. It is not a violation of this part or any other law for the purchaser to operate a newly acquired motorboat or sailboat 12 feet in length or longer without a certificate of ownership, certificate of registration, and decal during the 30-day grace period. During this period the sticker provided for in subsection (4) must remain affixed to the motorboat or sailboat.

(4) Prior to the delivery of a motorboat or sailboat 12 feet in length or longer to the purchaser, the dealer shall issue and affix to a motorboat or sailboat constructed after October 31, 1972, a sticker as prescribed by the department of justice. The sticker must contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the motorboat or sailboat, including its serial number. The dealer shall keep a copy of the sticker for ~~his~~ the dealer's records and shall send a copy of the sticker to the department of justice.

(5) A purchaser of a new or used motorboat or sailboat who is unable to record a transfer of ownership with the county treasurer at the time ~~he makes~~ of making an application for registration of the motorboat or sailboat because the certificate of ownership is lost, in the possession of third parties, or in the process of reissuance in this state or elsewhere may, upon making affidavit to that effect upon a form prescribed by the department of justice and upon the payment of the applicable fee in lieu of tax plus a fee of \$2 to be collected by the county treasurer and remitted to the department of justice for deposit in the general fund, obtain from the county treasurer of the county in which the boat is to be registered a temporary boat sticker of a size, color, and design as the department of justice may prescribe, to be validated by the county treasurer for a period of 60 days from the date of issuance. The purchaser, upon displaying the sticker conspicuously on the motorboat or sailboat, may operate the motorboat or sailboat during the period for which the boat sticker has been validated without displaying the numbers and license decal for the current year. The county treasurer may not sell, and a person may not purchase, more than one 60-day temporary boat sticker for any motorboat or sailboat, the ownership of which has not changed since the issuance of the previous 60-day boat sticker.

(6) The provisions of subsection (2) do not apply in the event of the transfer of a motorboat or sailboat 12 feet in length or longer to a  ~~duly~~ licensed dealer intending to resell the motorboat or sailboat and who operates it only for demonstration purposes, but ~~every a~~ dealer, upon transferring ~~his~~ the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of this part. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(7) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(8) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to any certificate of ownership transferred under this section.""

**Renumber:** subsequent sections

71. Page 139, line 6.

**Insert: "Section 131.** Section 23-2-512, MCA, is amended to read:

**"23-2-512. Identification number.** (1) The owner of each motorboat, sailboat, or personal watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal watercraft and be accompanied by a fee of ~~\$2.50~~ \$3.50. Any alteration, change, or false statement contained in the application will render the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner.

(2) The applicant, upon the filing of the application, shall pay to the county treasurer the fee in lieu of tax

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

required for a motorboat 10 feet in length or longer, a sailboat 12 feet in length or longer, or a personal watercraft for the current year of certification before the application for certification or recertification may be accepted by the county treasurer.

(3) Should the ownership of a motorboat, sailboat, or personal watercraft change, a new application form with the certification fee must be filed within a reasonable time with the county treasurer and a new certificate of number assigned in the same manner as provided for in an original assignment of number.

(4) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

(5) Every certificate of number and the license decals assigned under this part continues in effect for a period not to exceed 1 year unless terminated or discontinued in accordance with the provisions of this part. Certificates of number and license decals must show the date of expiration and may be renewed by the owner in the same manner provided for in the initial securing of the certificate.

(6) Certificates of number expire on December 31 of each year and may not be in effect unless renewed under this part.

(7) In the event of a transfer of ownership, the purchaser shall furnish the county treasurer notice within a reasonable time of the acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

(8) A holder of a certificate of number shall notify the county treasurer within reasonable time if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the county treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

(9) (a) The number assigned must be painted on or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than those used in connection with the identifying number issued may not be placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat, or personal watercraft by its identifying number may not be carried in a manner that interferes with the motorboat's, sailboat's, or personal watercraft's identification. A number other than the number and license decal assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft.

(b) The certificate of number must be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

(10) ~~(a) Except as provided in subsection (10)(b), fees~~ Fees, other than the fee in lieu of tax, collected under this section must be transmitted to the state treasurer, who shall deposit the fees in the ~~motorboat or sailboat certificate identification account of the state special revenue~~ general fund. ~~These fees must be used only for the administration~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

and enforcement of this part, as amended:

~~(b) Of the fee collected under the provisions of subsection (1), 20% must be deposited by the state treasurer in an account in the state special revenue fund to the credit of the department to be used to acquire and maintain marine sewage pumpout equipment and other boat facilities.~~

(11) An owner of a motorboat, sailboat, or personal watercraft ~~must~~ shall within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the owner's name when the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned, ~~or frauded~~ or within 60 days after a change of state of principal use or if a motorboat becomes documented as a vessel of the United States.'"

**Renumber:** subsequent sections

72. Page 139, line 23.

**Insert:** "Section 132. Section 23-2-518, MCA, is amended to read:

**"23-2-518. (Temporary) Disposition of fees in lieu of tax.** ~~(1) Except for fees allocated under subsection (2), the~~ The county treasurer shall ~~distribute~~ transfer all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons pursuant to 23-2-516 and 23-2-517 ~~in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed to the state general fund.~~

~~(2) The county treasurer shall allocate 20% of all fees in lieu of tax collected under this section to the motorboat account in the state special revenue fund for use by the department as provided in 23-2-533. (Terminates June 30, 2002--sec. 9, Ch. 476, L. 1995.)~~

**23-2-518. (Effective July 1, 2002) Disposition of fees in lieu of tax.** The county treasurer shall ~~distribute~~ transfer all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons pursuant to 23-2-516 and 23-2-517 ~~in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed to the state general fund.~~"

**Renumber:** subsequent sections

73. Page 143, line 3.

**Insert:** "Section 133. Section 23-2-611, MCA, is amended to read:

**"23-2-611. Certificate of ownership -- filing of security interests.** (1) A snowmobile may not be operated upon any private or public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets, or highways unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state. A certificate of ownership is not required for a snowmobile purchased prior to April 16, 1993, if use of the snowmobile is restricted to private land.

(2) The owner of a snowmobile shall apply for a certificate of ownership with the county treasurer of the county in which the owner resides, upon forms to be furnished for this purpose. The forms must require the following information:

- (a) the name of the owner;
- (b) the residence of the owner, by town and county;
- (c) the business or home mailing address of the owner;
- (d) the name and address of any lienholder;
- (e) the amount due under any contract or lien;
- (f) the name of the manufacturer;
- (g) the model number or name;
- (h) the identification number; and
- (i) the name and address of the dealer or other person from whom acquired.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(3) The application must be accompanied by documentation of ownership, such as an invoice, notarized bill of sale from the immediately previous owner, foreign title, official certificate of snowmobile number, or fee in lieu of tax receipt.

(4) The application must be signed by at least one owner or by a properly authorized officer or representative of the owner.

(5) If a certificate of ownership has previously been issued under the provisions of 23-2-601 through 23-2-644, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to snowmobiles that are purchased as new and unused machines or that were operated when the provisions of 23-2-601 through 23-2-644 were not in force and effect.

(6) Upon completion of the application, on forms furnished by the department of justice, the county treasurer shall issue to the applicant two copies of the application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant with a certificate of ownership, which must contain that information in the application considered necessary by the department of justice, and a permanent ownership number. The certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.

(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, ~~\$3.50 of~~ which must be forwarded by the county treasurer to the department of justice and deposited in the general fund.

(9) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the snowmobile encumbered. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete snowmobile description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the snowmobile encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county in which the snowmobile is to be registered. The owner of a snowmobile is the person entitled to operate and possess the snowmobile.

(10) A security interest in a snowmobile held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9.

(11) Whenever a security interest or lien is filed against a snowmobile that is subject to two security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This snowmobile is subject to additional security interest on file with the Department of Justice". Other information regarding the additional security interests need not be endorsed on the certificate.

(12) Satisfactions or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(13) Except as provided in subsection (14), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(14) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department of justice shall issue to the secured party a receipt evidencing the

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the existence of the security interest.

(15) Upon default under a chattel mortgage or conditional sales contract covering a snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a snowmobile, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(16) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that the satisfaction is not filed.

(17) Upon receipt of notice of any involuntary liens or attachments against the record of any snowmobile registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(18) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(19) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a snowmobile. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

**Renumber:** subsequent sections

74. Page 144, line 14.

**Insert: "Section 134.** Section 23-2-612, MCA, is amended to read:

**"23-2-612. Transfer of interest.** (1) Except as provided in subsection (3), upon a transfer of any certificate of ownership to a snowmobile registered as required under the provisions of 23-2-601 through 23-2-644, the person whose title or interest is to be transferred shall ~~write his signature with pen and ink upon~~ sign the certificate of ownership issued for the snowmobile in the appropriate space provided upon the reverse side of the certificate, and the signature ~~shall must~~ be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 20 calendar days after endorsement, the transferee shall make application for transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and also make application for registration of the snowmobile. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until the outstanding certificates are surrendered to that office or their loss is established to ~~its~~ the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, ~~of which \$3.50~~ must be forwarded to the department of justice for deposit in the general fund.

(3) A purchaser of a new or used snowmobile from a licensed snowmobile dealer has a grace period of 20 calendar days from the date of purchase to register the snowmobile, make application for a certificate of ownership, and obtain a decal indicating that the fee in lieu of property tax has been paid on the snowmobile for the current year. It is not a violation of 23-2-601 through 23-2-644 or any other law for the purchaser to operate a newly acquired snowmobile without a certificate of ownership, a certificate of registration, and a decal during the 20-day period. During this period, the sticker provided for in subsection (4) ~~shall must~~ remain affixed to the snowmobile.

(4) Prior to the delivery of the snowmobile to the purchaser, the dealer shall issue and affix to the snowmobile a sticker (in a form to be prescribed by the department of justice). The sticker shall contain the name and address of

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

the purchaser, the date of sale, the name and address of the dealer, and a description of the snowmobile, including its serial number. The dealer shall keep a copy of the sticker for ~~his~~ the dealer's records and shall send a copy of the sticker to the department of justice.

(5) The provisions of subsection (2) do not apply in the event of the transfer of a snowmobile to a ~~duly~~ licensed snowmobile dealer who is intending to resell the snowmobile and who operates it only for demonstration purposes, but ~~every~~ a dealer, upon transferring ~~his~~ the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of 23-2-601 through 23-2-644. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(6) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(7) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to any certificate of ownership transferred under this section.""

**Renumber:** subsequent sections

75. Page 145, line 5.

**Insert:** "Section 135. Section 23-2-615, MCA, is amended to read:

**"23-2-615. Nonresident temporary-use permits -- use of fees.** (1) The requirements pertaining to the nonresident temporary-snowmobile-use permit are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department. The forms must include but are not limited to:

- (i) the applicant's name and permanent address;
- (ii) the make, model, year, and serial number of the snowmobile; and
- (iii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of \$6, a nonresident temporary-snowmobile-use sticker must be issued. The sticker must be displayed in a conspicuous manner on the snowmobile.

(2) The temporary permit is valid for a consecutive 30-day period as designated by the permit.

(3) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(4) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that qualifies as a racing snowmobile under 23-2-622.

(5) All money collected by payment of fees under this section must be ~~turned over~~ transferred to the state treasurer and ~~placed deposited~~ in the state ~~special revenue general~~ fund ~~to the credit of the department of fish, wildlife, and parks, with one-half to be used in administering this section and one-half to be used in the development, maintenance, and operation of snowmobile facilities.~~

(6) The failure to display the permit as required by this section or the making of false statements in obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100.""

**Renumber:** subsequent sections

76. Page 146, line 14.

**Insert:** "Section 136. Section 23-2-616, MCA, is amended to read:

**"23-2-616. Registration and decals -- application and issuance -- use of certain fees.** (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person in Montana unless it has been registered and there is displayed in a conspicuous place on both sides of the cowl a decal as visual proof that the fee in lieu of property tax has been paid on it for the current year and the immediately previous year as required by 15-16-202.

(2) Application for registration must be made to the county treasurer upon forms to be furnished by the



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

department of justice for this purpose, which may be obtained at the county treasurer's office in the county where the owner resides. The application shall contain the following information:

- (a) the name and address of the owner;
- (b) the certificate of ownership number;
- (c) the make of the snowmobile;
- (d) the model name of the snowmobile;
- (e) the year of manufacture;
- (f) a statement evidencing payment of the fee in lieu of property tax as required by 15-16-202; and
- (g) other information as the department of justice may require.

(3) The application must be accompanied by a ~~decal~~ decal-registration fee of \$5, ~~a registration fee of 50 cents~~ \$6.50, and, if the snowmobile has previously been registered, by the registration certificate for the most recent year in which the snowmobile was registered. The treasurer shall sign the application and issue a registration receipt that must contain information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer for reregistration or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the signed application to the department of justice and shall issue to the applicant a decal in the style and design prescribed by the department of justice and of a different color than the preceding year, numbered in sequence.

(5) The county treasurer may not accept any application under this section until the applicant has paid the ~~decal~~ decal-registration and registration fees fee and the fee in lieu of property tax on the snowmobile for the current year and the immediately previous year as required by 15-16-202.

(6) All money collected from payment of the ~~decal~~ decal-registration fees and all interest accruing from use of this money must be forwarded to the state treasurer and placed in the state ~~special revenue~~ general fund ~~to the credit of the department, with \$2.50 designated for use in enforcing the purposes of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities. All money collected from payment of the registration fee must be forwarded to the state treasurer and deposited in the general fund.~~

(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the ~~county motor vehicle suspense fund provided for in 61-3-509~~ state general fund. ""

**Renumber:** subsequent sections

77. Page 147, line 4.

**Insert:** "Section 137. Section 23-2-803, MCA, is amended to read:

**"23-2-803. Fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees.** (1) There is a fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides.

(a) The fee for an off-highway vehicle less than 3 years old is \$19. In all other cases the fee is \$9.

(b) Except as provided in subsection (1)(c), the age of an off-highway vehicle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(c) If the purchase year of an off-highway vehicle precedes the designated model year of the off-highway vehicle and the off-highway vehicle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(2) ~~(a) Except as provided in subsection (2)(b), the~~ The county treasurer shall ~~distribute~~ transfer all fees in lieu of tax collected on off-highway vehicles pursuant to this section ~~in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed to the state general fund.~~

~~(b) The county treasurer shall remit \$1 of the fee in lieu of tax collected on an off-highway vehicle to the department of agriculture for deposit in the noxious weed management trust fund provided for in 80-7-811."~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Renumber:** subsequent sections

78. Page 147, line 27.

**Insert: "Section 138.** Section 23-2-804, MCA, is amended to read:

**"23-2-804. Decal required --fee--disposition.** (1) Except as provided in 23-2-802, an off-highway vehicle may not be operated by any person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid for the current year:

(a) (i) the fee in lieu of tax provided for in 23-2-803; and  
(ii) the registration fee provided for in ~~23-2-817~~ 61-3-321; or  
(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under 61-3-321, as evidenced by presentation of an owner's certificate of registration and payment receipt; and

~~(c) the off-highway decal fee provided for in this section.~~

(2) The decal will be serially numbered and have the expiration date of December 31 of the appropriate year printed thereon.

~~(3) The off-highway decal fee is \$5, which the county treasurer shall collect and transmit to the state treasurer, who shall deposit the money in an interest-bearing account in the state special revenue fund to the credit of the department of fish, wildlife, and parks. The decal fee and the interest and income to the account must be spent as follows:~~

~~(a) 40% must be used to enforce the provisions of this section; and  
(b) 60% must be spent to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreation use except that:~~

~~(i) no money may be spent for this purpose before January 1, 1991; and~~

~~(ii) evaluation for development of a program plan must begin January 1, 1991."~~

**Renumber:** subsequent sections

79. Page 151, line 3.

**Insert: "Section 139.** Section 23-2-811, MCA, is amended to read:

**"23-2-811. Certificate of ownership -- procedure -- fee -- filing security interest.** (1) An off-highway vehicle may not be operated upon any public lands, trails, easements, lakes, rivers, or streams unless a certificate of ownership has first been obtained from the department of justice.

(2) The owner of an off-highway vehicle shall apply for a certificate of ownership to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The form must include:

- (a) the name of the owner;
- (b) the residence of the owner, by town and county;
- (c) the business address or home mailing address of the owner;
- (d) the name and address of any lienholder;
- (e) the amount due under any contract, mortgage, or lien;
- (f) the name of the manufacturer;
- (g) the model number or name;
- (h) the identification number; and
- (i) the name and address of the dealer or other person from whom the off-highway vehicle was acquired.

(3) The application must be signed by at least one owner or by a properly authorized agent of the owner.

(4) The application for a new certificate of ownership must be accompanied by the immediately previous certificate. This subsection does not apply to off-highway vehicles that are purchased as new and unused machines or that were operated before January 1, 1990.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(5) (a) After the owner completes the application form, the county treasurer shall issue to the applicant two copies of the completed application, with one marked "file copy", and shall forward one copy and the original application to the department of justice. The department of justice shall enter the information contained in the application upon the corresponding records of its office and shall send the applicant a certificate of ownership containing a permanent ownership number and information from the application considered necessary by the department of justice.

(b) The certificate of ownership is not required to be renewed annually and is valid as long as the person holding it owns the off-highway vehicle.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, of which:

~~(a) \$3.50 must be forwarded to the department of justice for deposit in the general fund; and~~

~~(b) \$1.50 must be retained by the county treasurer for the cost of administering this section.~~

(8) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the encumbered off-highway vehicle. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, a complete description of the off-highway vehicle, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the off-highway vehicle encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate. However, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the vehicle is to be registered. The owner of an off-highway vehicle is the person entitled to operate and possess the vehicle.

(9) A security interest in an off-highway vehicle held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9.

(10) Whenever a security interest or lien is filed against an off-highway vehicle that is subject to two or more security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "Notice. This off-highway vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(11) Satisfaction or statements of release filed with the department of justice under this section must be retained for a period of 8 years from the date of receipt, after which they may be destroyed.

(12) Except as provided in subsection (13), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(13) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest.

(14) Upon default under a chattel mortgage or conditional sales contract covering an off-highway vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In the case of attachment of an off-highway vehicle, the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(15) A conditional sales vendor, chattel mortgagee, or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sale contract within 15 days after receiving final payment shall pay to the department of justice the sum of \$1 for each day after the expiration of the 15-day period that the person fails to file the satisfaction.

(16) Upon receipt of notice of any involuntary liens or attachments against the record of an off-highway vehicle in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice of the lien, showing the date of execution of the lien and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(17) It is not necessary to refile with the department of justice instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(18) A fee of \$4 must be paid to the department of justice to file a security interest or other lien against an off-highway vehicle. The \$4 fee includes and covers the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

**Renumber:** subsequent sections

80. Page 152, line 18.

**Insert: "Section 140.** Section 23-2-812, MCA, is amended to read:

**"23-2-812. Transfer of interest.** (1) To transfer a certificate of ownership for an off-highway vehicle registered under 23-2-817, the person whose title or interest is to be transferred shall endorse the certificate of ownership in the appropriate space on the reverse side of the certificate and must have the signature acknowledged before a notary public.

(2) (a) Within 20 calendar days after the date of notarization, the transferee shall apply to the county treasurer of the county in which the transferee resides for:

- (i) transfer of the endorsed certificate of ownership;
- (ii) registration of the off-highway vehicle; and
- (iii) issuance of a decal as required by 23-2-804.

(b) The county treasurer shall forward the application and the original certificate of ownership to the department of justice, which shall file the application upon receipt.

(c) A certificate of ownership may not be issued by the department until the outstanding certificates are surrendered to that office or their loss is established.

(d) The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, of which:

- ~~(i) \$3.50 must be forwarded to the department of justice for deposit in the general fund; and~~
- ~~(ii) \$1.50 must be retained by the county treasurer for the cost of administering this section.~~

(3) To effect by operation of law a transfer of interest in an off-highway vehicle, the provisions of 61-3-201(3) are applicable.

(4) (a) A person who purchases a new or used off-highway vehicle from an off-highway vehicle dealer licensed under 23-2-818 shall, within 20 calendar days after the purchase date, apply to the county treasurer of the county in which the person resides for:

- (i) a certificate of ownership;
- (ii) registration of the off-highway vehicle; and
- (iii) a decal as required by 23-2-804.

(b) During this period, the sticker provided for in subsection (6) must remain affixed to the off-highway

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

vehicle.

(5) It is not a violation of this part for a purchaser to operate a newly acquired off-highway vehicle without a certificate of ownership, a certificate of registration, and a decal during the first 20 days of ownership.

(6) Prior to the delivery of the off-highway vehicle to the purchaser, the dealer shall issue and affix to the off-highway vehicle a sticker, in a form to be prescribed by the department of justice, containing the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the off-highway vehicle, including its identification number. The dealer shall keep a copy of the sticker for the dealer's records and shall send a copy of the sticker to the department of justice.

(7) The provisions of subsection (2) do not apply to the transfer of an off-highway vehicle to an off-highway vehicle dealer licensed under 23-2-818 who intends to resell the vehicle and who operates it only for demonstration purposes. Every dealer, upon a transfer of interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of this part. The department of justice, upon receipt of the certificate of ownership and application for a new certificate, together with the conditional sales contract or other lien, if any, shall issue a new certificate of ownership showing the name of the lienholder and the amount due under the contract, mortgage, or lien as required by 23-2-811(2)(d) and (2)(e)."

**Renumber:** subsequent sections

81. Page 153, line 18.

**Insert:** "Section 141. Section 23-2-814, MCA, is amended to read:

**"23-2-814. Nonresident temporary-use permits -- use of fees.** (1) An off-highway vehicle that is owned by a nonresident and that is not registered in another state of the United States or in another country may not be operated by a person in Montana unless a nonresident temporary-use permit is obtained.

(2) The requirements pertaining to a nonresident temporary-use permit for an off-highway vehicle are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department of fish, wildlife, and parks. The forms must include but are not limited to:

- (i) the applicant's name and permanent address;
- (ii) the make, model, year, and serial number of the off-highway vehicle; and
- (iii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of \$5, a nonresident off-highway vehicle temporary-use sticker must be issued. The sticker must be displayed in a conspicuous manner on the off-highway vehicle. The sticker is the temporary-use permit.

(3) The temporary-use permit is valid for the calendar year designated on the permit.

(4) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(5) All money collected by payment of fees under this section must be transmitted to the state treasurer, who shall deposit the money in the account created under 23-2-804(3) state general fund. ~~The money collected by payment of fees under this section must be spent as follows:~~

~~(a) 40% to be used in administering this section; and~~

~~(b) 60% to be used to plan, develop, and implement a comprehensive program for appropriate off-highway vehicle recreation use.~~

(6) Failure to display the permit as required by this section or making false statements in obtaining the permit is a misdemeanor and is punishable by a fine of not less than \$25 or more than \$100. All fines collected under this section must be transmitted to the state treasurer, who shall deposit the money in the account created under 23-2-804(3) state general fund. ~~Fifty percent of this money and the interest earned on it must be used for off-highway vehicle safety and education. The remaining 50% of the money and the interest earned on it must be used for enforcement.~~"

**Renumber:** subsequent sections

82. Page 156, line 8.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert: "Section 142.** Section 23-2-818, MCA, is amended to read:

**"23-2-818. Dealer registration certificate ~~--use of fees.~~** (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a dealer may not sell off-highway vehicles unless the dealer has first obtained a dealer registration certificate from the department of justice under the provisions of this section.

(b) To qualify as a dealer the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all off-highway vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any off-highway vehicle offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of off-highway vehicles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of off-highway vehicles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in off-highway vehicles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in off-highway vehicles.

(2) The dealer application for registration or renewal of registration must be accompanied by an application or renewal fee of \$5 and a registration fee of \$5. To qualify for the fees in this subsection, the applicant for renewal shall certify that the applicant has sold three or more off-highway vehicles during the preceding year. Upon receipt of the dealer application or renewal and payment of fees, the dealer must be issued two dealer off-highway identification cards to be carried by the dealer or the dealer's customer when demonstrating the dealer's off-highway vehicles. Additional dealer off-highway vehicle identification cards may be purchased by the dealer from the department of justice for a fee of \$2 each.

(3) (a) A dealer shall file a bond in the amount of \$5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of an off-highway vehicle dealer registration who does not qualify under subsection (2) shall:

(a) pay an additional \$50 renewal registration fee; and

(b) provide a copy of a new off-highway vehicle franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Dealer registration certificates and identification cards expire on December 31 following the date of issuance.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(7) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the general fund to be used by the department of justice for the administration of this part.

(b) All dealer registration fees and renewal fees collected must be deposited in the ~~account provided in 23-2-804(3). This money and the interest earned on it must be used for off-highway vehicle safety and education programs state general fund.~~""

**Renumber:** subsequent sections

83. Page 159, line 26.

**Insert: "Section 143.** Section 23-5-610, MCA, is amended to read:

**"23-5-610. (Temporary) Video gambling machine gross income tax -- records -- distribution -- quarterly statement and payment.** (1) A licensed machine owner shall pay to the department a video gambling machine tax of 15% of the gross income from each video gambling machine issued a permit under this part. A licensed machine owner may deduct from the gross income amounts equal to amounts stolen from machines if the amounts stolen are not repaid by insurance or under a court order, if a law enforcement agency investigated the theft, and if the theft is the result of either unauthorized entry and physical removal of the money from the machines or of machine tampering and the amounts stolen are documented.

(2) (a) A licensed machine owner is entitled to a tax credit for each video gambling machine for which a permit has been issued under this part if:

(i) the permit was active for the video gambling machine on December 31, 2000;

(ii) the department determines that the video gambling machine is incapable, in the form in which it was approved by the department, of communicating with the automated accounting and reporting system authorized by 23-5-637; and

(iii) the licensed machine owner participates in the automated accounting and reporting system and incurs actual hardware or software costs prior to December 31, 2003, for conversion of the video gambling machine to make it compatible with the automated system.

(b) The amount of the tax credit allowed under subsection (2)(a) is \$250 for each video gambling machine or the actual hardware and software cost necessary for conversion of the video gambling machine to the automated accounting and reporting system, whichever is less.

(3) If a tax credit is claimed under subsection (2)(a), the credit is deducted from the tax due for the quarter or quarters that begin after the video gambling machine for which the tax credit is claimed is connected to the automated accounting and reporting system authorized by 23-5-637.

(4) A licensed machine owner shall keep a record of the gross income from each video gambling machine issued a permit under this part in the form the department requires. The records must at all times during the business hours of the licensee be subject to inspection by the department.

(5) (a) For each video gambling machine issued a permit under this part but not connected to the department's automated accounting and reporting system, a licensed machine owner shall, within 15 days after the end of each quarter and in the manner prescribed by the department, complete and deliver to the department a statement showing the total gross income, together with the total amount due the state as video gambling machine gross income tax for the preceding quarter. The statement must contain other relevant information that the department requires.

(b) For each video gambling machine issued a permit under this part that is connected to the department's automated accounting and reporting system, the department shall, within 5 working days after the end of each quarter, complete and deliver to the licensed machine owner (with a copy sent to the licensed operator, if different from the licensed machine owner, on whose premises the machine is placed) a statement showing the total gross income from the video gambling machine, together with the total amount due the state as video gambling machine gross income tax for the preceding quarter. The licensed machine owner shall remit the total amount due the state under this subsection within 25 days after the end of each quarter.

(6) ~~(a)~~ Except as provided in subsection (7), the department shall, in accordance with the provisions of 15-1-501, forward ~~one-third~~ of the tax collected under subsection (5) to the general fund.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~(b) The department shall, in accordance with the provisions of 15-1-501, forward the remaining two-thirds of the tax collected under subsection (5) to the treasurer of the county or the clerk, finance officer, or treasurer of the city or town in which the licensed machine is located, for deposit to the county or municipal treasury. Counties are not entitled to proceeds from taxes on income from video gambling machines located in incorporated cities and towns. The two-thirds local government portion of tax collected under subsection (5) is statutorily appropriated, as provided in 17-7-502, to the department for deposit to the county or municipal treasury.~~

(7) Receipts from the ~~state's share of~~ taxes collected under this section are pledged and dedicated to guarantee repayment of loans participated in under 23-5-638 in an amount sufficient to meet the prepayment obligation for the fiscal year during which the loans are made. The amount of taxes pledged by this subsection is the dollar amount of loan participation under 23-5-638 and must be allocated to a separate account in the short-term investment pool. The board of investments is not entitled to use the proceeds from taxes collected under this section to repay a loan made under 23-5-638 unless the board certifies that all other commercially available means of collection on the loan have been exhausted. (Terminates December 31, 2005--sec. 10, Ch. 424, L. 1999.)

**23-5-610. (Effective January 1, 2006) Video gambling machine gross income tax -- records -- distribution -- quarterly statement and payment.** (1) A licensed machine owner shall pay to the department a video gambling machine tax of 15% of the gross income from each video gambling machine issued a permit under this part. A licensed machine owner may deduct from the gross income amounts equal to amounts stolen from machines if the amounts stolen are not repaid by insurance or under a court order, if a law enforcement agency investigated the theft, and if the theft is the result of either unauthorized entry and physical removal of the money from the machines or of machine tampering and the amounts stolen are documented.

(2) (a) A licensed machine owner is entitled to a tax credit for each video gambling machine for which a permit has been issued under this part if:

(i) the permit was active for the video gambling machine on December 31, 2000;

(ii) the department determines that the video gambling machine is incapable, in the form in which it was approved by the department, of communicating with the automated accounting and reporting system authorized by 23-5-637; and

(iii) the licensed machine owner participates in the automated accounting and reporting system and incurs actual hardware or software costs prior to December 31, 2003, for conversion of the video gambling machine to make it compatible with the automated system.

(b) The amount of the tax credit allowed under subsection (2)(a) is \$250 for each video gambling machine or the actual hardware and software cost necessary for conversion of the video gambling machine to the automated accounting and reporting system, whichever is less.

(3) If a tax credit is claimed under subsection (2)(a), the credit is deducted from the tax due for the quarter or quarters that begin after the video gambling machine for which the tax credit is claimed is connected to the automated accounting and reporting system authorized by 23-5-637.

(4) A licensed machine owner shall keep a record of the gross income from each video gambling machine issued a permit under this part in the form the department requires. The records must at all times during the business hours of the licensee be subject to inspection by the department.

(5) (a) For each video gambling machine issued a permit under this part but not connected to the department's automated accounting and reporting system, a licensed machine owner shall, within 15 days after the end of each quarter and in the manner prescribed by the department, complete and deliver to the department a statement showing the total gross income, together with the total amount due the state as video gambling machine gross income tax for the preceding quarter. The statement must contain other relevant information that the department requires.

(b) For each video gambling machine issued a permit under this part that is connected to the department's automated accounting and reporting system, the department shall, within 5 working days after the end of each quarter, complete and deliver to the licensed machine owner (with a copy sent to the licensed operator, if different from the licensed machine owner, on whose premises the machine is placed) a statement showing the total gross income from the video gambling machine, together with the total amount due the state as video gambling machine gross income



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

tax for the preceding quarter. The licensed machine owner shall remit the total amount due the state under this subsection within 25 days after the end of each quarter.

(6) ~~(a)~~ The department shall, in accordance with the provisions of 15-1-501, forward ~~one-third~~ of the tax collected under subsection (5) to the general fund.

~~(b) The department shall, in accordance with the provisions of 15-1-501, forward the remaining two-thirds of the tax collected under subsection (5) to the treasurer of the county or the clerk, finance officer, or treasurer of the city or town in which the licensed machine is located, for deposit to the county or municipal treasury. Counties are not entitled to proceeds from taxes on income from video gambling machines located in incorporated cities and towns. The two-thirds local government portion of tax collected under subsection (5) is statutorily appropriated, as provided in 17-7-502, to the department for deposit to the county or municipal treasury."~~

**Renumber:** subsequent sections

84. Page 164, line 2.

**Insert: "Section 144.** Section 25-1-201, MCA, is amended to read:

**"25-1-201. Fees of clerk of district court.** (1) The clerk of the district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$90; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for dissolution of marriage, \$160; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) for preparing copies of papers on file in the clerk's office, 50 cents a page for the first five pages of each file, for each request, and 25 cents for each additional page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, 50 cents for each year searched, not to exceed a total of \$25;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, \$30;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, \$30;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75.

(2) ~~Except as provided in subsections (3) through (11), 32% of all~~ Except as provided in subsections (3), (5), and (6), all fees collected by the clerk of the district court must be deposited in ~~and credited to the district court the state general~~ fund. If no district court fund exists, that portion of the fees must be deposited in the general fund for district court operations. The remaining portion of the fees must be remitted to the state general fund.

(3) ~~In the case of a fee collected for issuing a marriage license or filing a declaration of marriage without solemnization, \$23.60 must be deposited in and credited to the state general fund and \$6.40 must be deposited in and credited to the county general fund.~~

(4) ~~(a) Of the fee for filing a petition for dissolution of marriage, \$75 must be deposited in the state general~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

fund, \$5 must be deposited in the children's trust fund account established in 41-3-702, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110, and \$21 must be deposited in and credited to the district court fund. If no district court fund exists, the \$21 must be deposited in the general fund for district court operations:

~~(b) Of the fee for filing a petition for legal separation, \$75 must be deposited in the state general fund, \$5 must be deposited in the children's trust fund account established in 41-3-702, \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110, and \$20 must be deposited in and credited to the district court fund. If no district court fund exists, the \$20 must be deposited in the general fund for district court operations:~~

~~(5) (a) Before the percentages contained in subsection (2) are applied and the fees deposited in the district court fund or the county general fund or remitted to the state, the clerk of the district court shall deduct from the following fees the amounts indicated:~~

~~(i) at the commencement of each action or proceeding and for filing a complaint in intervention, as provided in subsection (1)(a), \$35;~~

~~(ii) from each defendant or respondent, on appearance, as provided in subsection (1)(b), \$25;~~

~~(iii) on the entry of judgment, as provided in subsection (1)(c), \$15; and~~

~~(iv) from the applicant or petitioner, on the filing of an application for probate or for the appointment of a personal representative or on the filing of a petition for appointment of a guardian or conservator, as provided in subsection (1)(m), \$15.~~

~~(b) The clerk of the district court shall deposit the money deducted in subsection (5)(a) in the county general fund for district court operations unless the county has a district court fund. If the county has a district court fund, the money must be deposited in that fund.~~

~~(6) The fee for filing a motion for substitution of a judge, as provided in subsection (1)(p), must be remitted to the state general fund.~~

~~(7) Fees collected under subsections (1)(d) through (1)(i) must be deposited in the district court fund. If no district court fund exists, fees must be deposited in the general fund for district court operations:~~

~~(8) The clerk of the district court shall remit to the credit of the state general fund \$20 of each fee collected under the provisions of subsections (1)(a) through (1)(c), (1)(m), and (1)(n) to fund a portion of judicial salaries:~~

~~(9) (a) The fee for filing a petition for a contested amendment of a parenting plan must be remitted by the clerk of the district court to the credit of the district court to defray the costs of the court-sanctioned educational program concerning the effects of dissolution of marriage on children, as required in 40-4-226, and to defray the expense of education when ordered for the investigation and preparation of a report concerning parenting arrangements, as provided in 40-4-215(2)(a):~~

~~(b) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of the district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a):~~

~~(10) The clerk of district court shall remit to the credit of the special revenue account established in 42-2-105 \$70 of the filing fee required in subsection (1)(q), and \$5 of the filing fee must be deposited in the district court fund. If no district court fund exists, fees must be deposited in the general fund for district court operations:~~

~~(11) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714 and \$1 must be deposited in and credited to the district court fund for mitigation of administrative costs incurred by the court in the collection of the fee. If a district court fund does not exist, the \$1 must be deposited in the county general fund for district court operations:~~

(3) Of the fee for filing a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(6) The fees collected under subsections (1)(d), (1)(g), and (1)(j) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund for district court operations."

**Renumber:** subsequent sections

85. Page 167, line 2.

**Insert:** "Section 146. Section 40-4-215, MCA, is amended to read:

**"40-4-215. Investigations and reports.** (1) If a parent or a court-appointed third party requests; or if the court finds that a parenting proceeding is contested, the court may order an investigation and report concerning parenting arrangements for the child. The investigator may be the child's guardian ad litem or other professional considered appropriate by the court. The department of public health and human services may not be ordered to conduct the investigation or draft a report unless the person requesting the investigation is a recipient of cash assistance under the temporary assistance for needy families block grant, FAIM financial assistance, as defined in 53-2-902, food stamps, or public assistance and all reasonable options for payment of the investigation, if conducted by a person not employed by the department, are exhausted. The department may consult with any investigator and share information relevant to the child's best interests. The cost of the investigation and report must be paid according to the final order. ~~The cost of the educational evaluation under subsection (2)(a) must be paid from the fees for filing petitions for contested amendment of a parenting plan, as provided in 25-1-201(9).~~

(2) The court shall determine, if appropriate, the level of evaluation necessary for adequate investigation and preparation of the report, which may include one or more of the following:

- (a) parenting education;
- (b) mediation pursuant to 40-4-301;
- (c) factfinding by the investigator; and
- (d) psychological evaluation of the parties.

(3) In preparing a report concerning a child, the investigator may consult any person who has information about the child and the child's potential parenting arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. Except as required for children 16 years of age or older, the investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the persons or entities authorized by law to grant or withhold access to the records. The child's consent must be obtained if the child has reached ~~the age of~~ 16 years of age unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (4) are fulfilled, the investigator's report may be received in evidence at the hearing.

(4) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing. When consistent with state and federal law, the investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (3), and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person the investigator has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing. The results of the investigation must be included in the court record and may, without objection, be sealed.""

**Renumber:** subsequent sections

86. Page 167, line 15.

**Insert:** "Section 147. Section 40-4-226, MCA, is amended to read:

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**"40-4-226. Court-sanctioned educational program on effects of dissolution of marriage on children. (1)**

In a proceeding for dissolution of marriage involving a minor child or in a parenting plan proceeding involving a minor child, a court shall inform the parties, excluding the minor child, of available educational programs concerning the effects of dissolution of marriage on children and, if the court finds that it would be in the best interest of the minor child, shall order the parties to attend a court-sanctioned program. The program may be divided into sessions. The program must be educational in nature and may not be designed for individual therapy.

(2) The cost of ~~implementing~~ the court-sanctioned educational program for each district court, provided for in subsection (1), ~~must be paid from the fees for filing petitions for contested amendment of a parenting plan, provided for in 25-1-201(9).~~ Costs may include parenting evaluation and guardian ad litem services.""

**Renumber:** subsequent sections

87. Page 168, line 11.

**Insert: "Section 148.** Section 41-3-1122, MCA, is amended to read:

**"41-3-1122. Payment for support of youth in need of care, youth in need of intervention, or delinquent youth -- reimbursement by county. (1)**

Whenever a youth who is a youth in need of care, a youth in need of intervention, or a delinquent youth is placed by the department of public health and human services or the department of corrections in a youth care facility, the department making the placement shall pay, within the limits of the appropriation for that purpose, a foster care payment to the youth care facility at a rate established by the department of public health and human services for the youth's board, clothing, personal needs, treatment, and room.

~~(2) On or before the 20th of each month, the department of public health and human services or the department of corrections shall present a claim to the county of residence of the youth for no more than one-half of the nonfederal share of the payments made during the month. The county shall make reimbursement to the department within 20 days after the claim is presented.~~

~~(3) Except as provided in subsection (4), when a county's level of expenditure for any year reaches the level of reimbursement for foster care in fiscal year 1987, the county has no further obligation for foster care expenditures.~~

~~(4) If a county's level of expenditure for foster care in fiscal year 1987 was \$10,000 or less, the county's level of expenditure for purposes of determining the county's reimbursement specified in subsection (3) is the level of expenditures for fiscal year 1987 or the average of expenditures for fiscal years 1984 through 1987, whichever is less.~~

~~(5) A county that was state-assumed prior to 1987 but that at a later date reassumes responsibility pursuant to 53-2-811 is responsible for reimbursement of foster care expenditures up to the county's calculated level of expenditures for fiscal year 1987 as if the county had not been state-assumed.~~

~~(6)(2) The department shall conduct or arrange for the review required under 41-3-1115; or, when applicable, under 41-3-1010 of a youth placed in a youth care facility if the youth is placed by the department.~~""

**Renumber:** subsequent sections

88. Page 168, line 26.

**Insert: "Section 149.** Section 42-2-105, MCA, is amended to read:

**"42-2-105. Fees for services -- special revenue account -- statutory appropriation. (1)** The department shall establish fees that it may charge and that are reasonably related to the cost incurred by the department in completing or contracting for adoption services.

(2) The department may contract with licensed social workers or licensed child-placing agencies for the purposes of completing the preplacement or postplacement evaluation or for providing postplacement supervision.

(3) An agency contracting to perform the services may set and charge a reasonable fee commensurate with the services provided.

(4) There is an adoption services account in the state special revenue fund. The fees collected by the department under this title ~~and from the district court filing fee pursuant to 25-1-201(1)(g)~~ must be deposited into this account and may be used by the department for adoption services. The money in the account is statutorily appropriated, as provided in 17-7-502, to the department.""

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Renumber:** subsequent sections

89. Page 170, line 9.

**Insert:** "Section 152. Section 52-6-105, MCA, is amended to read:

**"52-6-105. Funding.** ~~(1) Revenue from the marriage license fee and the fee collected for filing a declaration of marriage without solemnization is the primary source of funding for the battered spouses and domestic violence program. The disposition of the marriage license fee is as established in 25-1-201.~~

~~(2) Twenty percent of the operational costs of a battered spouses and domestic violence program must come from the local community served by the program. The local contribution may include in-kind contributions."~~

**Renumber:** subsequent sections

90. Page 170, line 19.

**Insert:** "Section 153. Section 53-2-207, MCA, is amended to read:

**"53-2-207. Power of department in administering state and federal funds.** In administering or supervising any state or federal funds appropriated or made available to the department for public assistance purposes, the department has the authority to:

~~(1) require the county to bear the proportion of the total of local public assistance as is fixed by law relating to the assistance;~~

~~(2)(1) make use of all legal processes to enforce the standards prescribed for public assistance purposes by the department; and~~

~~(3)(2) require that each part of the public assistance laws be in effect in all counties of the state."~~

**Renumber:** subsequent sections

91. Page 170, line 30.

**Insert:** "Section 154. Section 53-2-301, MCA, is amended to read:

**"53-2-301. County departments offices of public assistance to be established.** There ~~shall~~ must be established in each county of the state; ~~except in a county that has transferred its public assistance and protective services responsibilities to the state under the provisions of part 8 of this chapter, a county department of public welfare, which shall consist of a county board of public welfare and such staff personnel as may be necessary for the efficient performance of the one or more local offices of public assistance activities of the county.~~ If conditions warrant ~~and if two or more county boards enter into an agreement,~~ two or more counties may ~~combine~~ be combined into one administrative unit and the department may use the same local office of public assistance and staff personnel throughout the administrative unit to administer public assistance in the combined counties."

**Renumber:** subsequent sections

92. Page 173, line 19.

**Insert:** "Section 155. Section 53-2-304, MCA, is amended to read:

**"53-2-304. (Temporary) Staff personnel of county department.** (1) Each county board shall select and appoint, from a list of qualified persons furnished by the department, staff ~~personnel~~ that ~~are~~ is necessary. The staff ~~personnel~~ in each county must consist of at least one qualified staff worker or investigator and clerks and stenographers that may be necessary. If conditions warrant, the county board, with the approval of the department, may appoint some fully qualified person listed by the department as supervisor of its staff ~~personnel~~. The staff ~~personnel~~ of each county department ~~are~~ is directly responsible to the county board, but the department ~~of public health and human services~~ may supervise the county employees in respect to the efficient and proper performance of their duties. The county board of public welfare may not dismiss any member of the staff ~~personnel~~ without the approval of the department. The department may request the county board to dismiss any member of the staff ~~personnel~~ for inefficiency, incompetence, or similar cause. The final authority for dismissal is the county board. In counties where the department has assumed the administration of welfare duties, the final authority for dismissal is the director of the department.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~(2) The department shall pay from state public assistance funds the salaries of public assistance staff personnel attached to a county board. The department shall also pay the travel expenses of those personnel, as provided in 2-18-501 through 2-18-503, when those personnel are away from the county seat in the performance of their duties. However, the county board shall reimburse the department from county poor funds for those salaries, travel expenses, and indirect costs and for the department's administrative costs allocated by the department to the county for the administration of county welfare programs, as follows:~~

~~(a) The county board shall reimburse the department 50% of all salaries, travel expenses, and allocated direct and indirect administrative costs attributable to cash assistance and emergency assistance programs created pursuant to Title 53, chapter 4. However, a county is not required to reimburse the department more for the salaries, travel expenses, indirect costs, and allocated administrative costs for 1 state fiscal year than the dollar amount that the county paid as its share of cash assistance and emergency assistance programs in 1996.~~

~~(b) The county board shall reimburse the department the full amount of salaries, travel expenses, and allocated direct and indirect administrative costs attributable to any public assistance program other than the cash assistance and emergency assistance programs created pursuant to Title 53, chapter 4, not reimbursed to the department by the federal government.~~

~~(3) All administrative costs of the county department of public welfare other than the costs described in subsections (2)(a) and (2)(b) must be paid from county poor funds.~~

~~(4) On or before the 20th day of the month following the month for which the payments to the public assistance staff personnel of the county were made, the department shall present to the county department of public welfare a claim for the required reimbursements. The county board shall make reimbursements within 20 days after the presentation of the claim, and the department of public health and human services shall credit all reimbursements to its account for administrative costs.~~

~~(5)(2) If a county has transferred its public assistance and protective services responsibilities to the state under part 8 of this chapter, the~~ The department shall select, appoint, and supervise all necessary public assistance and protective services ~~personnel staff~~, including if necessary a supervisor of staff ~~personnel~~. All personnel are directly responsible to the department. (Terminates June 30, 2001--sec. 6, Ch. 341, L. 1999.)

**53-2-304. (Effective July 1, 2001) Staff personnel of county department.** (1) Each county board shall select and appoint, from a list of qualified persons furnished by the department, ~~of public health and human services~~ staff ~~personnel~~ that ~~are~~ is necessary. The staff ~~personnel~~ in each county must consist of at least one qualified staff worker or investigator and clerks and stenographers that may be necessary. If conditions warrant, the county board, with the approval of the department ~~of public health and human services~~, may appoint some fully qualified person listed by the department as supervisor of its staff ~~personnel~~. The staff ~~personnel~~ of each county department ~~are~~ is directly responsible to the county board, but the department ~~of public health and human services~~ may supervise the county employees in respect to the efficient and proper performance of their duties. The county board of public welfare may not dismiss any member of the staff ~~personnel~~ without the approval of the department ~~of public health and human services~~. The department may request the county board to dismiss any member of the staff ~~personnel~~ for inefficiency, incompetence, or similar cause. The final authority for dismissal is the county board. In counties where the department has assumed the administration of welfare duties, the final authority for dismissal is the director of the department.

~~(2) Public assistance staff personnel attached to the county board must be paid from state public assistance funds both their salaries and their travel expenses as provided for in 2-18-501 through 2-18-503 when away from the county seat in the performance of their duties, but the county board of public welfare shall reimburse the department of public health and human services from county poor funds the full amount of the salaries and travel expenses not reimbursed to the department by the federal government and the full amount of the department's administrative costs that are allocated by the department to the county for the administration of county welfare programs and not reimbursed to the department by the federal government. Under circumstances prescribed by the department of public health and human services, the reimbursement by the county board of public welfare may be less than the county share as prescribed in this subsection. All other administrative costs of the county department must be paid from county poor funds.~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~(3) On or before the 20th day of the month following the month for which the payments to the public assistance staff personnel of the county were made, the department of public health and human services shall present to the county department of public welfare a claim for the required reimbursements. The county board shall make reimbursements within 20 days after the presentation of the claim, and the department of public health and human services shall credit all reimbursements to its account for administrative costs.~~

~~(4)(2) If a county has transferred its public assistance and protective services responsibilities to the state under part 8 of this chapter, the~~ The department shall select, appoint, and supervise all necessary public assistance and protective services ~~personnel staff~~, including if necessary a supervisor of staff ~~personnel~~. All personnel are directly responsible to the department.""

**Renumber:** subsequent sections

93. Page 177, line 17.

**Insert: "Section 156.** Section 53-2-612, MCA, is amended to read:

**"53-2-612. Lien of department or county upon third-party recoveries.** (1) Upon notice by the department, a county, or the recipient to a third party or the third party's insurer as provided in subsection (5)(b), the department or county has a lien upon all money paid by a third party or the third party's insurer in satisfaction of a judgment or settlement arising from a recipient's claim for damages or compensation for personal injury, disease, illness, or disability to the extent that the department or county has paid medical assistance on behalf of the recipient for the same personal injury, disease, illness, or disability.

(2) The department or county may, in the name of the recipient on whose behalf medical assistance has been paid by the department or county, commence and prosecute to final conclusion any action that may be necessary to recover from a third party or the third party's insurer compensation or damages for medical assistance paid by the department or county on behalf of the recipient. This section does not affect the right of the recipient to initiate and prosecute to final conclusion an action for damages or compensation in the recipient's own name in accordance with the provisions of this section.

(3) (a) The lien:

(i) applies to all money paid by a third party or a third party's insurer regardless of whether the recovery is allocated by the parties or a court to any particular type or element of damages; and

(ii) is subordinate to the lien of an attorney under 37-61-420.

(b) Unless specifically provided by law, the recipient's right to recover damages or compensation from a third party or a third party's insurer may not be reduced or denied on the ground that the recipient's costs of medical treatment and medical-related services have been paid by the department or county under any public assistance program.

(c) From the amount collected by the department, county, or recipient from legal proceedings or as a result of settlement, reasonable attorney fees and costs must be first deducted and paid. Unless the department or county and the recipient agree to a different settlement, the amount previously paid as medical assistance by the department or county, less a pro rata share of attorney fees and costs, must be deducted next and paid to the department or county. The remainder, if any, must be paid to the recipient.

(d) In all cases of payment to the department or county out of an amount collected from a third party or insurer on a recipient's claim, the amount of the lien must be reduced by a pro rata share of attorney fees and costs as provided in subsection (3)(c), but the department or county may not be required to participate in payment of attorney fees and costs unless the recipient's claim results in recovery out of which the department or county receives full or partial payment of its lien.

(e) Except as provided in subsections (3)(e)(i) and (3)(e)(ii), the department may not impose a lien under this section upon a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1, or upon the assets of a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1.

(i) The department may impose a lien under this section upon a self-sufficiency trust or upon the assets of a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1, if the department is required by federal law

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

to recover or collect from the trust or its assets as a condition of receiving federal financial participation for the medicaid program.

(ii) To the extent otherwise permitted by this section, the department is not precluded from asserting a claim or imposing a lien upon real or personal property prior to transfer of the property to the trust. If the department imposes a lien upon property prior to transfer to a self-sufficiency trust, any transfer of the property to the trust is subject to the lien.

(4) (a) A recipient of medical assistance or the recipient's legal representative shall notify the department or county by certified letter within 30 days if the recipient or the recipient's legal representative asserts a claim against a third party or a third party's insurer for damages or compensation for a personal injury, disease, illness, or disability for which the department or county paid medical assistance in whole or in part or for which the recipient has applied for medical assistance. The notice must be mailed to the director of the department or the director of the county department that paid medical assistance. At the same time, a copy must be sent by certified mail to the third party or the third party's insurer.

(b) The notice must contain the following information:

- (i) the name and address of the recipient and the recipient's legal representative, if any;
- (ii) the name and address of the third party alleged to be liable to the recipient;
- (iii) the name and address of any known insurer of the third party; and
- (iv) the judicial district and docket number of any action filed.

(c) A recipient or the recipient's legal representative who has received actual notice that the department or county has paid medical assistance is liable to the department or county for the amount it is entitled to receive under this section if:

(i) the recipient or the recipient's legal representative fails to timely notify the department or county or fails to mail a copy of the notice to the third party or the third party's insurer; and

(ii) a third party or the third party's insurer that did not receive notice from the department or county as provided for in subsection (5)(b) pays the recipient or the recipient's legal representative without satisfying any lien of the department or county.

(5) (a) If a third party or the third party's insurer that has received notice of the department's or county's lien as provided for in subsection (5)(b) makes payment in whole or in part of the recipient's claim without first satisfying the lien of the department or county, the third party or the third party's insurer is liable to the department or county for the amount the department or county is entitled to receive under this section.

(b) For the purposes of subsection (5)(a), a third party or the third party's insurer has been given notice if:

(i) the department or county mails, by certified mail, to the third party or the third party's insurer:

(A) a statement of the medical assistance paid or that may be paid by the department or county on behalf of the recipient; and

(B) a claim for reimbursement;

(ii) the recipient or the recipient's legal representative mails, by certified mail, to the third party or the third party's insurer:

(A) a copy of the notice required by subsection (4)(a); or

(B) a statement stating that the recipient has applied for or has received medical assistance from the department or county in connection with the same claim; or

(iii) the recipient or the recipient's legal representative has commenced an action against the third party or the third party's insurer for damages or compensation for personal injury, disease, illness, or disability for which the department or county has paid or may pay medical assistance, in whole or in part, and the department or county files in the court in which the action is pending a notice of lien stating that a lien is claimed for medical assistance on any money paid in satisfaction of any judgment in or settlement of the action and that:

(A) medical assistance in a stated amount has been paid by the department or county on behalf of the recipient; or

(B) medical assistance may be paid on behalf of the recipient.

(6) As used in this section, the following definitions apply:



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(a) "County" means a county ~~department of welfare in a county that has not transferred its public assistance responsibilities to the state under the provisions of Title 53, chapter 2, part 8~~ provided medical assistance to a recipient through an indigent assistance program operated at the option of the county.

(b) "Legal representative" means an attorney having or exercising authority on behalf of a recipient with respect to a claim or action to recover damages or compensation from a third party or a third party's insurer.

(c) "Recipient" means a person on whose behalf the department or a county has paid or may pay medical assistance for the cost of medical treatment and medical-related services for personal injury, disease, illness, or disability. If the context allows, the term includes a recipient's legal representative.

(d) "Third party" means an individual, institution, corporation, or public or private agency that is or may be liable to pay all or part of the cost of medical treatment and medical-related services for personal injury, disease, illness, or disability of a recipient of medical assistance from the department or a county and includes but is not limited to insurers, health service organizations, and parties liable or who may be liable in tort.""

**Renumber:** subsequent sections

94. Page 178, line 9.

**Insert: "Section 157.** Section 53-3-115, MCA, is amended to read:

**"53-3-115. Legislative findings.** (1) The legislature finds that in order to use the limited resources of the state for the purposes of providing public assistance to persons whom it has determined are in need, certain programs must be eliminated and the provision of public assistance programs must be reorganized for more efficient delivery of services.

(2) The legislature finds that county governments are in the best position to efficiently and effectively deliver services for those in need who are not otherwise eligible for similar services provided by the department of public health and human services.

(3) (a) The legislature finds that the needs of persons who are aged, infirm, or misfortunate are adequately and appropriately provided for through the following programs:

- (i) medicaid;
- (ii) aid for dependent children;
- (iii) food stamps;
- (iv) commodities; and
- (v) low-income energy assistance.

(b) The legislature further finds that the counties may in their discretion provide other programs of public assistance that they determine are appropriate and that may be funded with money derived from ~~the a county poor fund~~ mill levy.

(4) The legislature finds that the effects of eliminating the state program of general relief are not known and that the administration and financing of public assistance programs by each county may not provide uniform assistance throughout the state.""

**Renumber:** subsequent sections

95. Page 179, line 7.

**Insert: "Section 158.** Section 53-3-116, MCA, is amended to read:

**"53-3-116. Indigent assistance -- optional county program.** (1) A county may provide a program of indigent assistance that it determines necessary. The program may include assistance for food, clothing, shelter, transportation, and medical assistance for individuals not eligible for state or federal programs providing similar assistance. A county may provide for the burial, entombment, or cremation of indigents. The indigent assistance program of the county includes:

- (a) job search, job training, work-for-assistance, and employment programs; and
  - (b) health care, preventive care, and wellness programs as determined by the county commissioners.
- (2) A county may establish the criteria for determining eligibility for assistance, including but not limited to

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

residency requirements, limits on income and resources, and the amount, scope, and duration of assistance.

(3) A county may deny assistance for a reasonable period if a person has voluntarily left employment without good cause or is discharged due to misconduct.

(4) The program may be funded with money derived from ~~the a county poor fund mill levy established in 53-2-322.~~

(5) A person is indigent for purposes of this subsection if the value of all income and resources available to pay for that person's burial, entombment, or cremation at the time of death is less than the negotiated amount due the funeral home or mortician for an indigent burial. Available income and resources may be determined by the county.

(6) A county may seek reimbursement under 40-6-303, if applicable, for costs paid under this section.

(7) A county may not deduct amounts that may be recovered from an adult child of a deceased indigent or recovered from resources of a deceased indigent from a contract amount due a funeral home or mortician for burial services provided under 7-4-2915 or this section. A funeral home or a mortician that recovers an amount in excess of a contract amount paid under this subsection shall reimburse the county for the amount recovered up to the amount of the contract.""

**Renumber:** subsequent sections

96. Page 181, line 26.

**Insert:** "Section 161. Section 61-1-102, MCA, is amended to read:

"**61-1-102. Motor vehicle.** "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state. For the purpose of chapter 3, the term also includes trailers; ~~and~~ semitrailers; ~~and house trailers.~~ For the purpose of chapter 3, parts 1 and 2, the term also includes campers. The term does not include a bicycle as defined in 61-1-123.""

**Renumber:** subsequent sections

97. Page 182, line 13.

**Insert:** "Section 162. Section 61-3-203, MCA, is amended to read:

"**61-3-203. Fee for original certificate of ownership and transfer of registration -- disposition.** ~~(1) Except as provided in subsection (2), a~~ A charge of \$5 must be made for issuance of an original certificate of ownership of title and for a transfer of registration, which must be collected by the county treasurer. An additional fee of \$2 must be paid for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks. ~~The fees must be distributed as follows:~~

~~(a) The amount of \$3.50 of each fee must be remitted to the department by the county treasurer, as provided in 15-1-504, for each application for original certificate of ownership or transfer of registration.~~

~~(b) Each March, the county commissioners of each county shall divide the fees retained by the county to:~~

~~(i) the city road fund of each city and town within the county based on the number of motor vehicles registered inside the corporate limits of each city or town; and~~

~~(ii) the county road fund based on the number of motor vehicles registered outside the corporate limits of cities and towns deposited in the state general fund.~~

~~(2) Upon transfer of any interest in a used motor vehicle by a dealer, broker, or wholesaler as provided in 61-4-111(1), a charge of \$5 must be paid to the department: ""~~

**Renumber:** subsequent sections

98. Page 184, line 26.

**Insert:** "Section 163. Section 61-3-321, MCA, is amended to read:

"**61-3-321. Registration fees of vehicles -- certain vehicles exempt from license or registration fees -- disposition of fees.** (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, ~~house trailers,~~ and semitrailers, in accordance with this chapter, as follows:

(a) ~~motor vehicles weighing 2,850 pounds or under (other than motor trucks),~~ \$5 light vehicles under 2,850

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

pounds, \$13.75;

- ~~(b) motor vehicles weighing over 2,850 pounds (other than motor trucks), \$10;~~
- ~~(c) electrically driven passenger vehicles, \$10;~~
- ~~(d) all motorcycles and quadricycles, \$2;~~
- ~~(e) tractors or trucks, \$10;~~
- ~~(f) buses, which are classed as motor trucks, licensed accordingly;~~
- ~~(g)(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, less than 2,500 pounds declared weight and housetrailers of all weights, \$2~~ \$8.25;
- ~~(h) trailers and semitrailers over 2,500 up to 6,000 pounds declared weight (except housetrailers), \$5;~~
- ~~(i) trailers and semitrailers over 6,000 pounds declared weight, \$10, except trailers and semitrailers registered in other jurisdictions through a proportional registration agreement;~~
- ~~(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, or bridge materials, new and secondhand, \$15 annually, regardless of size or capacity~~
- (c) motor vehicles registered pursuant to 61-3-411 that are:
  - (i) over 2,850 pounds, \$10; and
  - (ii) under 2,850 pounds, \$5;
- (d) off-highway vehicles registered pursuant to 23-2-817, \$9;
- (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton,

\$18.75;

- (f) logging trucks less than 1 ton, \$23.75;
- (g) motor homes, \$22.25;
- (h) motorcycles and quadricycles, \$9.75;
- (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25;
- (j) trailers and semitrailers in excess of 6,000 pounds, \$16.25;
- (k) travel trailers, \$11.75; and
- (l) recreational vehicles, \$3.50.
- ~~(2) All rates are 25% higher for motor vehicles, trailers, and semitrailers that are not equipped with pneumatic tires.~~

~~(3) "Tractor", as specified in this section, means any motor vehicle, except a passenger car, that is used for towing a trailer or semitrailer.~~

~~(4)(2) If a motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of the year is one-half of the regular fee except for trailers or semitrailers registered as provided in 61-3-721(6).~~

~~(5) An additional fee of \$5.25 a year for each registration of a vehicle, except trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, must be collected as a registration fee. Revenue from this fee must be forwarded by the respective county treasurers to the state treasurer for deposit in the general fund. The department shall pay an amount equal to 25 cents from each motor vehicle registration fee from the general fund to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.~~

(3) An additional fee of \$5 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

~~(6)(4) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).~~

~~(7)(5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.~~

[(6) (a) Except as provided in subsection (6)(b) and 61-3-562, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in [section 1 of Senate Bill No. 448].

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.]

~~(8)(7)~~ The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

~~(9)(8)~~ A person qualifying under 61-3-332(10)(d) or 61-3-504 is exempt from the fees required under subsections (1) and (5) of this section.

(9) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund. (See compiler's comments for contingent termination of certain text.)"

**Renumber:** subsequent sections

99. Page 185, line 12.

**Insert: "Section 164.** Section 61-3-325, MCA, is amended to read:

**"61-3-325. Vehicles subject to staggered registration -- fees and taxes -- disposition.** (1) Any motor vehicle in the fleet that is subject to staggered registration under 61-3-313 through 61-3-316 may be registered as part of the fleet on the following fleet renewal date. The department of transportation shall collect the remaining fees and taxes due for the registration year after crediting the registrant for the period that was previously paid.

(2) (a) The department of transportation shall compute fees and taxes due on each motor vehicle in the fleet as provided in part 5 of this chapter, based on its domicile.

(b) The department of transportation shall also collect a registration fee of \$7.50 for each motor vehicle in the fleet in lieu of the registration fee provided for in 61-3-321. The department shall retain \$4.50 of each registration fee for administrative costs and forward the remaining \$3 to the state treasurer for deposit in the general fund ~~in lieu of the fee provided in 61-3-321(5).~~

(c) All fees and taxes must be paid no later than February 15 each year.

~~(d) The fees and taxes collected must be distributed by the department of transportation as provided in 61-3-321 and part 5 of this chapter, based on the domicile of each motor vehicle."~~

**Renumber:** subsequent sections

100. Page 191, line 19.

**Insert: "Section 165.** Section 61-3-332, MCA, is amended to read:

**"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle or quadricycle type that bears the distinctive letters "MCD" or the letters "MC" and the word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and used motorcars (including trucks and trailers) that bears the distinctive letter "D" or the word "DEALER", one for dealers in used motorcars only (including used trucks and trailers) that bears the distinctive letters "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used) that bears the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in recreational vehicles that bears the distinctive letters "RV" or the letter "R" and the word "DEALER", and one for special license plates. All markings for the various kinds of dealers' plates must be placed on the number plates assigned to the dealer, in the position that the department designates.

(2) (a) All number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide nonremovable stickers bearing appropriate registration numbers that must be affixed to the license plates in use.

(b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-562, the department

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

shall provide distinctive nonremovable stickers indicating that the vehicle is permanently registered. The stickers must be affixed to the license plates in use.

(3) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in length. The outline of the state of Montana must be used as a distinctive border on the license plates, and the word "Montana" and the year must be placed across the plates. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(7) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and housetrailer. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the motorcycle or quadricycle type.

(8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they may be formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number on each set, to an applicant who presents to the department a copy of certification of national guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection ~~(10)(f)(iii) and (10)(f)(iv)~~ (12).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation to the department of proof of the 100% disability, be issued:

(A) a special license plate under this section with a design or decal displaying the letters "DV"; or

(B) one set of any other military-related plates that the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter.

(iii) Special license plates issued to a disabled veteran are not transferable to another person.

(iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one vehicle.

(v) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(i) Fees required under 61-3-321(1) ~~and (5)~~ may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(ii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) An ex-prisoner of war is exempt from the ~~light vehicle taxes registration fees~~ imposed under ~~61-3-504 61-3-560 through 61-3-562~~ for one vehicle that displays a set of ex-prisoner of war license plates.

(iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. ~~Upon an original application for a license under this subsection (10)(f), the county treasurer shall:~~

~~(A) deposit \$3 of the special fee in the county general fund;~~

~~(B) remit \$1 for deposit in the state general fund; and~~

~~(C) deposit the remainder of the special fee in the state special revenue account established in 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries;~~

~~(iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special fee as provided in subsection (10)(f)(iii)(C).~~

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733.

(12) Fees collected under this section must be deposited in the state general fund."

**Renumber:** subsequent sections

101. Page 191, line 28.

**Insert:** "Section 166. Section 61-3-406, MCA, is amended to read:

**"61-3-406. Fees for personalized plates -- disposition.** (1) In addition to all other fees and taxes imposed by law, the applicant for a personalized license plate shall pay a fee of \$25 for the original personalized license plate and a fee of \$10 for each transfer or renewal ~~thereof of the personalized license plate.~~

(2) The revenue derived from the fee ~~as provided herein~~ must be deposited ~~as follows:~~

(a) ~~\$5 of the application fee and \$5 of the transfer or renewal fee in the county general fund; and~~

(b) ~~\$20 of the application fee and \$5 of the transfer or renewal fee in the state general fund."~~

**Renumber:** subsequent sections

102. Page 192, line 28.

**Insert:** "Section 167. Section 61-3-411, MCA, is amended to read:

**"61-3-411. Registration of a motor vehicle owned and operated solely as a collector's item.** (1) An owner of a motor vehicle that is more than 30 years old; and that is used solely as a collector's item and not for general transportation purposes; may file with the department an application for the registration of the motor vehicle. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the name and address of the person from whom purchased;

(c) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle; and

(d) that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes.

~~(2) The registration fee for a motor vehicle registered under subsection (1) is:~~

~~(a) for a vehicle weighing 2,850 pounds or less, \$5; and~~

~~(b) for a vehicle weighing more than 2,850 pounds, \$10.~~

~~(3)~~(2) Upon receipt of the application for registration and payment of the registration fee, the department shall file the application and register the motor vehicle ~~therein described~~ in the manner specified in 61-3-101 and, unless the applicant chooses to exercise the option allowed in 61-3-412, shall deliver to the applicant:

(a) for a motor vehicle manufactured in 1933 or earlier, two license plates bearing the inscription "Pioneer--Montana" and the registration number; or

(b) for a motor vehicle manufactured in 1934 or later and more than 30 years old, two license plates bearing the inscription "Vintage--Montana" and the registration number.

~~(4)~~(3) The year of issuance may not be shown on the plates.

~~(5)~~(4) Annual renewal of the registration of a motor vehicle registered under this section is not required, and the registration is valid as long as the vehicle is in existence and owned by the initial registrant; provided, however, that upon Upon sale of the motor vehicle, the purchaser shall renew the registration and pay the a license fees renewal fee provided in subsection (2) of \$10 for a vehicle weighing more than 2,850 pounds and \$5 for a vehicle weighing 2,850 pounds or less."

**Renumber:** subsequent sections

103. Page 193, line 28.



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert: "Section 168.** Section 61-3-412, MCA, is amended to read:

**"61-3-412. Display of original Montana license plates on collector's item vehicle -- definition -- validation.** (1) As used in this section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle on which the license plate is authorized to be displayed.

(2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor vehicle registered as provided in 61-3-411 to display original Montana license plates, with validation as required in subsection (3), after:

(a) payment of the fee required in subsection (5);  
(b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the motor vehicle and, upon payment of a \$5 fee, receipt of the highway patrolman's patrol officer's certification that ~~he~~ the officer has determined that the license plate is legible and meets the requirements of subsection (1); and

(c) receipt of an application by the owner of the motor vehicle as provided for in 61-3-411.

(3) If the owner of a vehicle registered under the provisions of 61-3-314 meets the requirements of subsection (2), the department shall:

(a) file the application and register information on the motor vehicle in the manner prescribed in 61-3-101; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate vehicles described in ~~61-3-411(3)(a)~~ 61-3-411(2)(a); or

(B) "V" to designate vehicles described in ~~61-3-411(3)(b)~~ 61-3-411(2)(b).

(4) The owner of the motor vehicle shall permanently affix the validating decal to the windshield of the collector's item motor vehicle or, if ~~no~~ a windshield ~~exists~~ does not exist, to another prominent and visible position on the vehicle.

(5) The owner of the motor vehicle shall pay to the department with the application required under this section a one-time special collector's item motor vehicle license fee of \$20.""

**Renumber:** subsequent sections

104. Page 194, line 30.

**Insert: "Section 169.** Section 61-3-426, MCA, is amended to read:

**"61-3-426. Combined license plates.** (1) An application for license plates for amateur radio operators may be combined with an application for the special license plates issued to veterans of the armed services who comply with the provisions in 61-3-332(10)(d), (10)(e), and (10)(f) or with an application for special license plates issued to a person with a disability who complies with the provisions in 61-3-332(10)(g). The applicant for the combined license plates is liable for the payment of all taxes and fees applicable to regular motor vehicle license plates and shall pay an additional fee of \$5 for the original issuance as provided in 61-3-422.

(2) An application for license plates for amateur radio operators may be combined with an application for license plates for disabled veterans as provided in 61-3-332(10)(c). The fees for the registration of the combined license plates are the fees provided for in 61-3-332(10)(c) and in 61-3-422. The fees are in lieu of all other fees and taxes for that vehicle under this chapter.

(3) An application for license plates for amateur radio operators may be combined with an application for license plates for ex-prisoners of war as provided in 61-3-332(10)(d). The fees required under 61-3-321(1) ~~and (5)~~ may not be assessed upon one set of combination license plates issued to an ex-prisoner of war. An ex-prisoner of war receiving combination license plates under this section is liable for the fees required under 61-3-422.

(4) The combined license plates must be stamped with the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission. The plates must also be stamped with the design

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

or decal provided for in 61-3-332(10)(c), (10)(d), (10)(e), (10)(f), or (10)(g)."

**Renumber:** subsequent sections

105. Page 195, line 22.

**Insert: "Section 170.** Section 61-3-431, MCA, is amended to read:

**"61-3-431. Special mobile equipment -- exemption from registration and payment of fees and charges -- identification plate -- publicly owned special mobile equipment.** (1) A person, firm, partnership, or corporation who owns, leases, or rents special mobile equipment as defined in 61-1-104 and occasionally moves that equipment on, over, or across the highways of the state is not subject to registration of that equipment or required to pay the fees and charges provided for in 61-4-301 through 61-4-308 or part 2 of chapter 10. Prior to movement on the highways, however, each piece of equipment must display an equipment identification plate or a dealer's license plate attached to the equipment.

(2) Annual application for the identification plate must be made to the county treasurer before any piece of equipment is moved on the highways. Application must be made on a form furnished by the department of justice, together with the payment of a fee of \$5. The equipment for which a special mobile equipment plate is sought is subject to the assessment of personal property taxes on the date application is made for the plate. The personal property taxes assessed against the special mobile equipment must be paid before ~~the issuance of~~ a special mobile equipment plate may be issued. The fees collected under this section ~~belong to the county road~~ must be deposited in the state general fund.

(3) The identification plate expires on December 31 of each year. If the expired identification plate is displayed, an owner of special mobile equipment registered under the provisions of this section is entitled to operate the equipment between January 1 and February 15 following expiration without displaying the identification plate or receipt of the current year.

(4) Publicly owned special mobile equipment and implements of husbandry used exclusively by an owner in the conduct of the owner's farming operations are exempt from this section."

**Renumber:** subsequent sections

106. Page 196, line 7.

**Insert: "Section 171.** Section 61-3-457, MCA, is amended to read:

**"61-3-457. Ex-prisoner of war license plates transferable to spouse -- conditions.** Upon the death of an ex-prisoner of war and providing that the surviving spouse does not remarry, the spouse of an ex-prisoner of war may retain and renew the one set of special license plates issued under 61-3-332(10)(d) and is not liable for light vehicle taxes under 61-3-504, for the fees required under 61-3-321(1) ~~and (5)~~, or for the special license plate fees required under 61-3-332."

**Renumber:** subsequent sections

107. Page 196, line 26.

**Insert: "Section 172.** Section 61-3-465, MCA, is amended to read:

**"61-3-465. Issuance -- application -- additional fee -- disposition.** (1) The department shall issue or renew collegiate license plates upon receipt of an application that shows:

(a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

(b) payment to the county treasurer of:

(i) an initial application and manufacturing fee of \$2.50, when required; and

(ii) an annual scholarship donation of \$20 for the benefit of the institution named in the application.

(2) Once each month the county treasurer shall transfer to the state treasurer the total of the amounts collected for:

(a) the initial application and manufacturing fee for deposit in the ~~Montana state prison industries account in the proprietary fund for appropriation by the legislature to pay the cost of manufacturing collegiate license plates~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

state general fund; and

(b) scholarship donations provided for in subsection (1)(b)(ii), along with a schedule showing the number of collegiate license plates issued and the total donations received for the benefit of each institution.

(3) Once each month the state treasurer shall distribute to the student academic scholarship fund or foundation of each institution an amount equal to the total donations credited to that institution and transferred to the state treasurer by the county treasurers during the preceding month.""

**Renumber:** subsequent sections

108. Page 197, line 27.

**Insert:** "Section 173. Section 61-3-509, MCA, is amended to read:

**"61-3-509. Disposition of taxes fees.** (†) All registration fees imposed by 61-3-561 from light vehicles, all registration fees imposed by 61-3-522 from motor homes, all fees in lieu of tax imposed by 61-3-527 from motorcycles and quadricycles, and all fees imposed by 61-3-529 from buses, motor vehicles having a manufacturer's rated capacity of more than 1 ton, and truck tractors, for which a license is sought and an original application for title that includes a manufacturer's statement of origin is made, must be remitted to the state treasurer every 30 days. The state treasurer shall credit the payments to the ~~highway restricted state special revenue account~~ state general fund.

(2) ~~Except as provided in subsections (1) and (3), the county treasurer shall, after deducting the district court fee, credit all taxes on motor vehicles, registration fees on light vehicles, and fees in lieu of tax on motorcycles, quadricycles, motor homes, travel trailers, campers, trailers, pole trailers, semitrailers, buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors collected under 61-3-521, 61-3-527, 61-3-529, 61-3-537, and 61-3-560 through 61-3-562 to a motor vehicle suspense fund. At some time between March 1 and March 10 of each year and every 60 days after that date, the county treasurer shall distribute the money in the motor vehicle suspense fund. Except for registration fees collected under 61-3-560 through 61-3-562, the county treasurer shall distribute the money in the fund in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed. For money in the fund collected under 61-3-527 and 61-3-560 through 61-3-562, the county treasurer shall disregard the statewide mills levied for the university system, county elementary and high school equalization under 20-9-331 and 20-9-333, the mills levied for state equalization aid under 20-9-360, and the mills levied for state assumption of public assistance under 53-2-813 in determining distribution proportions of the money and may not distribute money collected under 61-3-527 and 61-3-560 through 61-3-562 to the state for those levies.~~

(3) ~~The county treasurer shall deduct as a district court fee 10% of the amount of the registration fee collected on light vehicles under 61-3-560 through 61-3-562. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time that the county treasurer distributes money from the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the state special revenue fund to be used for purposes of state funding of district court expenses as provided in 3-5-901."~~

**Renumber:** subsequent sections

109. Page 198, line 19.

**Insert:** "Section 174. Section 61-3-524, MCA, is amended to read:

**"61-3-524. Decal required on camper -- application for decal -- application fee -- issuance.** (1) A camper; that is subject to the fee in lieu of tax imposed under 61-3-521; may not be operated by a person on the public highways or streets in this state unless there is displayed in a conspicuous place on the camper a decal as visual proof that the fee has been paid on the camper for the current year.

(2) Application for the issuance of the decal must be made to the county treasurer in the county of the owner's residence, accompanied by an application fee of ~~\$†~~ \$4.50, on a form furnished by the department, which may be obtained at the county treasurer's office. The form must provide for substantially the following information:

(a) name of owner;

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

- (b) address;
- (c) name of manufacturer;
- (d) model number;
- (e) make;
- (f) year of manufacture; and
- (g) other information that the department may require.

(3) (a) The county treasurer shall sign the application and transmit the application and the fee to the department. The fee must be deposited in the state general fund.

(b) Upon receipt of the application in approved form and payment of the fee in lieu of tax by the applicant, the county treasurer shall issue to the applicant a numbered decal in the style and design prescribed by the department and of a different color than the preceding year.""

**Renumber:** subsequent sections

110. Page 200, line 2.

**Insert: "Section 175.** Section 61-3-527, MCA, is amended to read:

**"61-3-527. Fee in lieu of tax for motorcycles and quadricycles -- schedule of fees -- permanent registration.** (1) (a) There is a fee in lieu of property tax imposed on motorcycles and quadricycles. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle shall pay a fee based on the age of the motorcycle or quadricycle and the size of the engine, as follows:

(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:

- (i) less than 5 years old, \$30;
- (ii) 5 years old and less than 11 years old, \$15; and
- (iii) 11 years old and older, \$6.

(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:

- (i) less than 5 years old, \$55;
- (ii) 5 years old and less than 11 years old, \$20; and
- (iii) 11 years old and older, \$6.

(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:

- (i) less than 5 years old, \$90;
- (ii) 5 years old and less than 11 years old, \$50; and
- (iii) 11 years old and older, \$6.

(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(4) (a) The owner of a motorcycle or quadricycle that is 11 years old or older and that is subject to the fee in lieu of tax under this section may permanently register the motorcycle or quadricycle upon payment of a \$30 fee in lieu of tax, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed or amounts calculated for each of the following:

(i) the motorcycle safety ~~training~~ fee under ~~20-25-1007~~ 61-3-321 to be deposited in the account provided for in 20-25-1002;

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

- (ii) weed control fees under ~~61-3-510~~ [section 3(3)(b)];
- (iii) ~~\$1 for the former~~ county motor vehicle computer ~~fees under 61-3-511~~ fee; and
- (iv) if applicable, renewal fees for personalized plates under 61-3-406.

(b) A person who permanently registers a motorcycle or quadricycle as provided in this subsection (4) shall pay an additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$2 fee collected under this subsection (4)(b) from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709."

**Renumber:** subsequent sections

111. Page 200, line 24.

**Insert:** "Section 176. Section 61-3-707, MCA, is amended to read:

**"61-3-707. Foreign vehicles used for transportation in connection with employment.** (1) (a) Before a motor vehicle that has been assessed a fee pursuant to 15-24-301(4) may be operated in Montana for a calendar quarter, the person responsible for payment of fees shall apply for and obtain a window decal provided by the department.

(b) Decals must be color-coded to distinguish the four quarterly registration periods of the year.

(c) An applicant may purchase a decal for more than one registration quarter at a time by paying the appropriate amount.

(d) There is a \$2 fee for each decal, and money collected from this fee must be deposited to the county state general fund. The \$2 fee is in addition to the registration fee.

(e) A current window decal must be displayed on the lower right-hand corner of the windshield.

(2) (a) Before a motor vehicle exempted pursuant to 15-6-217 may be operated in Montana, the person responsible for the motor vehicle shall apply for and obtain a window decal from the county treasurer. The department shall supply the decals to the county treasurers.

(b) An application approved by the department must include a verification from the employer that the person is employed by a health care facility in a rural, medically underserved area that experiences difficulty in recruiting and retention of health care professionals.

(c) Decals expire each year on December 31 of the year in which issued, and application for reregistration must be filed with the county treasurer no later than February 15 of each year. Decals must be color-coded to distinguish the year.

(d) A current window decal must be displayed on the lower right-hand corner of the windshield."

**Renumber:** subsequent sections

112. Page 201, line 4.

**Insert:** "Section 177. Section 61-3-738, MCA, is amended to read:

**"61-3-738. Deposit and distribution of fees on proportionally registered fleets.** The fees in lieu of tax and license fees collected under this part must be deposited with the state treasurer ~~for distribution to the general fund of each county on the following basis:~~

~~(1) for fleet vehicle fees in lieu of tax, according to the ratio of the taxable valuation of each county to the total state taxable valuation; and~~

~~(2) for fleet vehicle license fees, according to the ratio of vehicle license fees, other than fees derived from interstate motor vehicle fleets, collected in each county to the sum of all fleet vehicle fees collected in all the counties in the highway nonrestricted account."~~

**Renumber:** subsequent sections

113. Page 201, line 16.

**Insert:** "Section 178. Section 61-9-312, MCA, is amended to read:

**"61-9-312. Performance ability of brakes.** On a dry, hard, approximately level stretch of highway free from loose material, a motor vehicle or combination of vehicles, upon application of the service brake, must be capable of

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

stopping at a speed of 20 miles an hour within the following distances:

- (1) 25 feet for passenger motor vehicles, except buses and pioneer vehicles;
- (2) 40 feet for buses, trucks, and tractor trucks;
- (3) 45 feet for motor vehicles registered or qualified to be registered as pioneer vehicles under ~~61-3-411(3)(a)~~ 61-3-411(2)(a) when equipped with two-wheel brakes or 25 feet when equipped with four-wheel brakes;
- (4) 40 feet for all combinations of vehicles; and
- (5) 30 feet for motorcycles, quadricycles, and motor-driven cycles."

**Renumber:** subsequent sections

114. Page 203, line 3.

**Insert: "Section 179.** Section 61-10-130, MCA, is amended to read:

**"61-10-130. Custom combiner's special permit -- fee -- collection -- distribution -- not transferable. (1)**

In lieu of the taxes required by 15-24-301 and in lieu of motor vehicle license fees, gross vehicle weight fees, and overwidth, overlength, and overheight permits provided for in Title 61, a nonresident engaged in the business of custom combining who brings equipment into the state may pay a special permit fee of \$40 per unit. A unit ~~shall include~~ includes:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks and all other equipment, except combines, used by a nonresident and brought into the state as part of ~~his~~ the nonresident's business of custom combining.

(2) In lieu of gross vehicle weight fees and overwidth, overlength, and overheight permits, Montana residents engaged in the business of custom combining may pay the annual farm gross vehicle weight fees and a special permit fee of \$20 per unit. A unit includes:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks used by the resident in ~~his~~ the resident's business of custom combining.

(3) When used to transport agricultural products, a truck authorized to be used under a custom combiner's special permit may be operated only within a 50-mile radius from the harvested field to the point of first unloading. The truck may not haul agricultural products from one commercial elevator to another commercial elevator. The truck may be operated on any highway, except a highway that is part of the federal-aid interstate system, without incurring excess weight penalties under 61-10-145 if the total gross weight of the truck does not exceed allowable weight limitations by more than 20% per axle and the maximum load per inch of tire width does not exceed 670 pounds. The truck may not be operated in excess of 40 miles per hour. ~~No~~ A trip permit is not required. If the truck exceeds the tolerance provided under this subsection, the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

(4) A combine trailer authorized to be used under subsection (1)(b) or (2)(b) may be operated under the same limitations ~~and until July 1, 1991, may be operated within the same tolerances granted trucks under subsection (3),~~ except that the 50-mile limitation does not apply and the combine trailer may be used upon any highway of the state, including a highway that is part of the federal-aid interstate system. If the combine trailer exceeds the tolerance provided under subsection (3), the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

(5) The fee required by this section must be collected by the department of transportation. Upon payment of the fee, the department of transportation ~~must~~ shall provide an identifying device to be displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident or resident in ~~his~~ the person's business of custom combining in the state; ~~which~~ The device is valid for the calendar year in which the fee is collected.

(6) All fees collected under this section must be distributed not later than January 31 immediately following the period of ~~license~~ licensure as follows:

- (a) 62 1/2% to the ~~county~~ state general fund ~~in the county in which the permittee declares the greatest amount~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

of time will be spent to operate; and

(b) 37 1/2% to the state special revenue fund for the department of transportation.

(7) The identifying devices and fee paid for each unit are not transferable from one vehicle to another or transferable on the sale or change of ownership.

(8) The department of transportation may adopt rules, as provided in Title 2, chapter 4, to implement the provisions of this section.""

**Renumber:** subsequent sections

115. Page 203, line 14.

**Insert:** "Section 180. Section 61-10-148, MCA, is amended to read:

**"61-10-148. Disposition of fines and forfeited bonds.** (1) Except as provided in 61-12-701 and subsection (2) of this section, ~~one-half of~~ all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the state treasurer for deposit in the state general fund. ~~The remaining half, less the deductions required by law, must be deposited in the county road fund.~~ This subsection does not apply to fines and forfeited bonds paid to justices' courts.

(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a road or highway not included under the provisions of 60-2-128 and 60-2-203, all money collected as fines and forfeited bonds must be distributed to the county treasurer for deposit in the county road fund.""

**Renumber:** subsequent sections

116. Page 203, line 22.

**Insert:** "Section 181. Section 61-10-225, MCA, is amended to read:

**"61-10-225. Disposition of fees collected by county treasurer.** ~~At the time of collecting The county treasurer shall transmit the fees provided for in 61-10-222, each county treasurer shall retain 5% of the fees for the cost of administration and for deposit in the general fund of the county. The remaining 95% must be remitted monthly to the state treasurer for deposit to the credit of the department of transportation in the highway revenue account. The remittance must be made on forms furnished to the county treasurer by the department.~~""

**Renumber:** subsequent sections

117. Page 204, line 11.

**Insert:** "Section 182. Section 67-3-205, MCA, is amended to read:

**"67-3-205. Aircraft registration account -- source of funds -- allocation.** (1) There is an account in the state special revenue fund to which must be credited all money received from fees paid in lieu of tax on aircraft as required in this part and 15-24-304 and all penalties collected for registration violations as provided in 67-3-202.

(2) Money in the account is allocated as follows:

(a) ~~90% to the counties in the proportion that each county's collections bear to the total collections statewide state general fund; and~~

(b) 10% to the department for the purpose of administering and enforcing aircraft registration.

(3) The allocations required in subsection (2)(a) must be made twice annually by the department. The first allocation must be made between March 15 and March 30 and the second allocation must be made between July 1 and July 15.

(4) The allocation required in subsection (2)(b) must be made on July 1 of each year.

~~(5) On receipt of the money allocated as provided in subsection (2)(a), the county treasurer shall distribute the money in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed:~~

~~(6) The allocations required in subsection (2)(a) are considered statutory appropriations as described in 17-7-502.~~""

**Renumber:** subsequent sections

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

118. Page 208, line 12.

**Insert:** "Section 186. Section 72-16-909, MCA, is amended to read:

**"72-16-909. When and where tax payable -- interest.** (1) The estate tax is payable to the ~~county treasurer of the county in which the estate is being probated~~ department of revenue.

(2) If the tax is not paid within 18 months of the death of the decedent, interest must be charged and collected at the rate of 10% a year from the time that the tax accrued, unless because of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the tax is not determined and paid on time. Interest at the rate of 6% must be charged upon the amount of tax due from the time of accrual until the cause of the delay is removed, and after that time, interest at the rate of 10% must be charged.

(3) Litigation to defeat the payment of the tax is not necessary litigation.

(4) When permission has been granted to defer payment of tax under 72-16-910, interest must be charged at the rate of 6% after 1 year from the date of death until the date of payment.""

**Renumber:** subsequent sections

119. Page 208, line 17.

**Insert:** "Section 187. Section 72-16-912, MCA, is amended to read:

**"72-16-912. Collection and deposit of tax.** The tax imposed ~~herein shall by this part~~ must be collected by the ~~several county treasurers or the~~ department of revenue for deposit with the state treasurer.""

**Renumber:** subsequent sections

120. Page 208, line 24.

**Insert:** "Section 188. Section 75-10-533, MCA, is amended to read:

**"75-10-533. Department to report fees.** The department shall report to the office of budget and program planning, as a part of the information required by 17-7-111, the amount collected under this part ~~and 61-3-508~~ and the cost of administration of this part, except 75-10-520, to date so that any necessary adjustment of the amount of the fee may be made to ~~assure~~ ensure that no more than the actual cost of operation of the program is collected.""

**Renumber:** subsequent sections

121. Page 212, line 11.

**Insert:** "Section 195. Section 76-13-201, MCA, is amended to read:

**"76-13-201. Duty of owner to protect against fire.** (1) An owner of land classified as forest land ~~classified as such~~ by the department shall protect against the starting or existence and suppress the spread of fire on that land. This protection and suppression must be in conformity with reasonable rules and standards for adequate fire protection adopted by the department.

(2) If the owner does not provide for the protection and suppression, the department may provide it at a cost to the landowner of not more than \$30 for each landowner in the protection district and of not more than an additional 20 cents per acre per year for each acre in excess of 20 acres owned by each landowner in each protection district, as necessary to yield the amount of money provided for in 76-13-207. The owner of the land shall pay ~~to the county treasurer of the county in which the land is situated~~ the charge ~~for the same~~ approved by the department in accordance with this part 1 and this part 4 to the department of revenue. Payments to the department of revenue are due on or before November 30 of each year.

(3) ~~No other~~ Other charges may not be assessed ~~those to a participating landowner~~ landowners participating except in cases of proven negligence on the part of the landowner or the landowner's agent.""

**Renumber:** subsequent sections

122. Page 215, line 1.

**Insert:** "Section 200. Section 77-1-502, MCA, is amended to read:

**"77-1-502. Computation of state land equalization payment amount.** (1) The department of revenue shall



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

compute the amount of taxes ~~which that~~ would be payable on the county assessments of ~~said~~ state-owned grazing, agricultural, or forest property as if it were owned by and taxable to a taxpayer of ~~such the~~ county.

(2) If the land is not classified, the sum ~~to be listed shall~~ must be determined by the average tax payment made on like property within the county ~~where said in which the~~ land is situated, not to exceed 12 cents per grazing acre, 35 cents per agricultural acre, and 12 cents per forest acre. The average tax may be derived from the most recent biennial report of the department of revenue. The total figure arrived at by this method ~~shall~~ must be called the gross assessment figure.

(3) The county exemption factor ~~shall~~ must be determined by dividing the percentage that the state-owned land bears to the total land area of the county into 6%. This quotient ~~shall~~ must be multiplied by the gross assessment figure, and the product is called the state exemption figure.

(4) The state exemption figure ~~shall~~ must be subtracted from the gross assessment to give the state land equalization payment amount.""

**Renumber:** subsequent sections

123. Page 215, line 8.

**Insert:** "Section 201. Section 77-1-503, MCA, is amended to read:

**"77-1-503. Form to be completed by department of revenue.** The department shall provide a form for each county to be followed and completed by the department of revenue. The department of revenue shall, before October 1, make the computations required and submit to the department the completed forms, which must show the computations and method used in arriving at the state land equalization payment amount.""

**Renumber:** subsequent sections

124. Page 215, line 17.

**Insert:** "Section 202. Section 77-1-504, MCA, is amended to read:

**"77-1-504. Processing of statements.** The department shall examine for accuracy the statement returned by the department of revenue, and the state land equalization payment amount may not be approved unless the state exemption figure is deducted from the gross assessment figure in the statement. The department shall, before November 1 of each year, prepare and file a claim with the department of administration for all counties that are eligible for state land equalization payments amounts, and this claim must show the amount of money that each eligible county ~~will receive~~ receives through the entitlement share provided for in [section 1].""

**Renumber:** subsequent sections

125. Page 215, line 29.

**Insert:** "Section 203. Section 80-2-201, MCA, is amended to read:

**"80-2-201. Powers and duties of board of hail insurance.** The board of hail insurance provided for in 2-15-3003:

- (1) shall hold meetings when necessary ~~and essential~~ for the proper conduct of its business;
- (2) ~~is hereby authorized, directed, and empowered to make~~ may adopt rules ~~as it may from time to time find practical, necessary, and beneficial~~ for the administration of this part;
- (3) shall prescribe blank forms for all purposes necessary, proper, and incidental to the effective operation and enforcement of this part; and
- (4) shall use any appropriate means of communication to inform Montana producers of the purposes, scope, and benefits of this part in furnishing protection against loss by hail at the actual cost of the risk to all taxpayers persons who may elect to become subject to the provisions of this part.""

**Renumber:** subsequent sections

126. Page 216, line 16.

**Insert:** "Section 204. Section 80-2-203, MCA, is amended to read:

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**"80-2-203. Participation in program -- tax.** (1) A ~~taxpayer person~~ or an association of ~~taxpayers persons~~ engaged in the growing of crops other than those specified in this part or other agricultural or horticultural products subject to injury or destruction by hail may, by individual or joint election filed with and approved by the board of hail insurance, accept the provisions of this part and elect to become subject to this part. The risks may be classified by the board, and suitable ~~levies fees~~ may be imposed as agreed upon by the board and the ~~taxpayers persons~~. The ~~taxpayers persons~~ are entitled to the benefits and protection afforded by the insurance provisions of this part.

(2) Each ~~farmer taxpayer person~~ who signifies a desire to become subject to the provisions of this part shall file with the department of revenue the properly filled out form not later than August 15. The ~~taxpayer person~~ is chargeable with the ~~tax fee~~ provided for on lands growing crops subject to injury or destruction by hail and shall share in the protection and benefits under the hail insurance provisions of this part. The application for hail insurance is in full force and effect at 12:01 a.m. the day immediately following the acceptance of the application by the department of revenue.

(3) This part may not be construed to empower anyone except the actual owner of the land to make the land subject to the hail ~~tax fee~~ provided in this part.""

**Renumber:** subsequent sections

127. Page 216, line 28.

**Insert:** "Section 205. Section 80-2-204, MCA, is amended to read:

**"80-2-204. Duty of department of revenue -- election of benefits of law.** The department of revenue shall upon request explain to each ~~taxpayer person~~ engaged in the growing of crops subject to injury or destruction by hail the provisions of this part. The department of revenue shall issue hail insurance policies to each ~~taxpayer person~~ who desires to become subject to this part, to become liable for the ~~tax levies fee~~ provided in this part, and to be eligible for the benefits and protection of this part. A ~~taxpayer person~~ who elects to become subject to this part is liable for the ~~taxes levied fees~~ for hail insurance and shall participate in the benefits and protection afforded by this part. ~~Either the~~ The owners of lands worked by others under lease or contract may make the election for hail insurance, or the lessee of the land may tender payment, in cash, of the ~~tax fee~~ levied for hail insurance ~~to protect the lessee's crops, in cash,~~ to the officer authorized to receive payment.""

**Renumber:** subsequent sections

128. Page 217, line 5.

**Insert:** "Section 206. Section 80-2-205, MCA, is amended to read:

**"80-2-205. What crops subject to provisions of law.** The crops grown on the lands of all ~~taxpayers persons~~ who ~~shall~~ elect to become subject to this part ~~shall must~~ be insured under the provisions of this part for the acreage and the kind of crop for which ~~taxes fees~~ for hail insurance ~~will have been levied, imposed, which~~ The insurance ~~shall must~~ be provided for, determined, and adjusted and paid for as provided by this part.""

**Renumber:** subsequent sections

129. Page 217, line 14.

**Insert:** "Section 207. Section 80-2-206, MCA, is amended to read:

**"80-2-206. Cash payment.** When an applicant for hail insurance tenders cash for the insurance to the department of revenue, the applicant is allowed a discount of 4%. The hail insurance must be issued upon the cash payment less the 4%. The charge for the insurance must be based on the maximum rates shown on the application for hail insurance. If the current rates are reduced later, the board of hail insurance shall arrange for the proper refund to the insured. All cash received by the department of revenue must be ~~promptly turned over to the county treasurer, who shall furnish the insured with a current receipt and place the money in the hail insurance fund~~ deposited with the state treasurer.""

**Renumber:** subsequent sections

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

130. Page 218, line 8.

**Insert: "Section 208.** Section 80-2-207, MCA, is amended to read:

**"80-2-207. Delinquent taxes fees -- application by delinquent -- crop lien.** (1) An owner of land who has more than 1 year's delinquent ~~taxes fees~~ on the land may not be allowed hail insurance under the provisions of this part, unless the owner's application is accompanied by a cash payment for the amount that would be due on the application ~~in the event of a maximum levy~~ for that year.

(2) Any grain grower unable to secure state hail insurance under the provisions of this part because of delinquent ~~taxes fees~~ or for other reasons may make ~~an~~ application to the department of revenue, and the department of revenue may receive and accept the ~~applications~~ application when the applicant furnishes a sufficient crop lien that is subject only to a seed lien. The crop lien may be accepted only under rules and requirements that may be prescribed by the board of hail insurance and under the provision that the board may cancel any hail insurance accepted in violation of the rules and requirements. Upon receipt of the application, the department of revenue shall make a record of the application and shall file the original in the office of the clerk and recorder of the county. The department of revenue shall also ~~cause an assessment~~ send a bill to the grain grower for the proper amount ~~to be made on the property tax record in the same manner provided for in the case of other special levies or assessments~~ due for hail insurance under the provisions of this part.

(3) A tenant who has delinquent hail insurance that was secured by a crop lien ~~only~~ and ~~was~~ not secured by real estate may not be allowed another policy in any succeeding year until the delinquent ~~account or accounts are~~ amount is paid or until the tenant pays cash for the current hail insurance.

(4) If a tenant becomes delinquent for hail insurance after having failed to apply for relief as provided by the board under 80-2-229, the tenant may apply to the board for a reduction. If the reasons for requesting a reduction are approved by the board, the board may reduce the charge to not less than one-half the original amount charged.""

**Renumber:** subsequent sections

131. Page 218, line 17.

**Insert: "Section 209.** Section 80-2-209, MCA, is amended to read:

**"80-2-209. Reinsurance.** Because of the unusual or unexpected variation in the severity of damage to grain crops ~~which occur~~ that occurs from year to year and in order to enable the hail insurance board to spread the effect of these variations more evenly over all years, the board ~~is hereby authorized to~~ may negotiate for and ~~to~~ secure reinsurance of a part of the risk in any year when the need ~~of such~~ for reinsurance appears advisable to the board. The board ~~is hereby authorized to~~ may use ~~moneys~~ money from hail insurance ~~levies fees~~ for the purchase of ~~such~~ reinsurance whenever it appears to the board that ~~such~~ reinsurance is necessary and advisable.""

**Renumber:** subsequent sections

132. Page 218, line 27.

**Insert: "Section 210.** Section 80-2-221, MCA, is amended to read:

**"80-2-221. Tax Fee for hail insurance.** (1) A ~~tax is hereby authorized and directed to be levied~~ fee is imposed on all lands in this state growing crops subject to injury or destruction by hail, the owners of which have elected to become subject to the provisions of this part.

(2) The board of hail insurance shall annually estimate, as accurately as possible, the amount required to pay all losses, interest on warrants, and costs of administration and shall recommend a ~~levy fee~~ to be made imposed on each kind of land respectively, subject to the provisions of this part, to the department of revenue. The rates recommended to apply on the lands of owners ~~shall~~ must be applied in the same proportions to the crops of those insured on a personal ~~assessment~~ basis.""

**Renumber:** subsequent sections

133. Page 219, line 30.

**Insert: "Section 211.** Section 80-2-222, MCA, is amended to read:

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**"80-2-222. Board to establish amount of levy rates -- disposition of funds.** (1) The board of hail insurance may, when it considers it advisable, establish as many districts as it considers advisable and may maintain maximum rates in various parts of the state, ~~which~~ The rates must be commensurate with the risk incurred as nearly as it can determine from past experiences or from any records available.

(2) Notice of the various rates established for any year must be plainly printed on the application for hail insurance, and the rates for the year must be determined and ~~levied~~ imposed by the board of hail insurance for each of the various districts as established, in ~~such~~ proportions as ~~that~~ will in ~~its~~ the board's judgment be fair and equitable.

(3) The board of hail insurance ~~has authority to~~ may accept and expend all funds received by it, including amounts repaid as principal and interest on investments. The funds are statutorily appropriated, as provided in 17-7-502, to the board of hail insurance for the purposes of this chapter. Expenditures for actual and necessary expenses required for the efficient administration of this part must be made from temporary appropriations, as described in 17-7-501(1) or (2), made for that purpose.

(4) In ~~making the levy~~ establishing the rates provided in this section ~~and 80-2-223~~, the board of hail insurance shall provide for:

(a) the payment of all expenses of administration, together with all interest owed or to be owing on registered warrants;

(b) that portion of the losses incurred during the current year that are not paid from funds drawn from the reserve;

(c) the maintenance of the reserve, a part or all of which may be used in any ~~one~~ 1 year for the purpose of paying the costs of administration, interest on the warrants, and losses as settled and adjusted by the board, including the losses sustained in any prior year or years under the hail insurance law that have not been paid.

(5) If at the end of any hail insurance season the board determines that more funds are accumulating from the current year's ~~levies~~ rates than were estimated when the ~~levy was made~~ rates were established and are in excess of the need for the payment of losses and expenses and maintenance of the reserve, the board may, at its discretion, refund the excess to the ~~farmers~~ persons insured for the year, on a pro rata or percentage basis.

(6) The board of hail insurance may direct the board of investments to invest funds from the enterprise fund pursuant to the provisions of the unified investment program for state funds. The income from the investments must be credited to the board of hail insurance account in the enterprise fund.""

**Renumber:** subsequent sections

134. Page 220, line 6.

**Insert:** "Section 112. Section 80-2-224, MCA, is amended to read:

**"80-2-224. Assessment Fee -- notice -- when payable.** Notice of ~~such assessment~~ the fee must be mailed by the ~~county treasurer~~ department of revenue to each person insured in the same manner and at the same time as notices of property taxes due. The ~~assessment fee~~ shall be is payable ~~at the office of the county treasurer of each respective county~~ to the department of revenue.""

**Renumber:** subsequent sections

135. Page 220, line 13.

**Insert:** "Section 213. Section 80-2-225, MCA, is amended to read:

**"80-2-225. Real estate lien -- creation.** The ~~tax levies~~ are hail insurance fees chargeable to the lands of each ~~taxpayer person~~ who elects to become subject to this part and must be ~~entered in the property tax record~~ and collected by the ~~officers charged with such duties in the manner and form as are other property taxes~~ department of revenue. If the ~~levies~~ fees are not paid, they are a lien on the lands against which they are ~~levied in the same manner as are other property taxes~~ imposed.""

**Renumber:** subsequent sections

136. Page 220, line 25.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert: "Section 214.** Section 80-2-226, MCA, is amended to read:

**"80-2-226. Crop lien -- when created -- assessment.** (1) In addition to the lien created in 80-2-225 on the land of the insured, the ~~levy fee for such~~ hail insurance ~~shall constitute~~ is a lien on the crops insured with the exception that the crop lien may not apply to owners of unencumbered land or to the land or crops of those who pay cash for hail insurance. The applications of these persons may not be filed with the county clerk and recorded as provided for in 80-2-207. ~~The~~ Except as provided in this subsection, the crop lien shall must be included in all applications for hail insurance, ~~with the above exceptions, and shall must~~ be enforced as provided in 80-2-230 and 80-2-231 against all applicable persons insured ~~except those owning unencumbered land or those who have paid cash for hail insurance.~~

(2) All applicants securing hail insurance on crop liens as ~~heretofore~~ provided ~~shall be in this section~~ are subject to the same charges per acre ~~as provided herein to be~~ that are made on land.""

**Renumber:** subsequent sections

137. Page 221, line 9.

**Insert: "Section 215.** Section 80-2-228, MCA, is amended to read:

**"80-2-228. Reserve fund.** (1) Each year when the hail board ~~makes~~ sets its annual ~~levy fee~~ for the payment of current losses, for expenses of administration, and for an addition to the reserve if conditions permit, it may not increase the ~~levy fee~~ enough in any year so that the addition to the reserve will exceed 5% of the maximum risk written for that year.

(2) The board may engage the services of a qualified actuary to conduct an actuarial valuation of the reserve. This valuation ~~shall may~~ include the actuary's determination of the amount of reserve necessary to absorb all reasonably anticipated catastrophic losses. This amount is the maximum permissible reserve fund for the next year.

(3) The reserve must be deposited in an enterprise fund.

(4) The board may not draw on the reserve for any purpose unless the amount required for the payment of losses for the current year, including interest on warrants and costs of administration, exceeds the amount of the estimate made by the board for the current year pursuant to 80-2-221.""

**Renumber:** subsequent sections

138. Page 221, line 19.

**Insert: "Section 216.** Section 80-2-229, MCA, is amended to read:

**"80-2-229. Withdrawal of crop in case of destruction through other means.** When any crop insured under this part ~~shall have been~~ is destroyed by any other cause than hail, the applicant may, by furnishing the proof required by the board of hail insurance, cause the crop to be ~~withdrawn~~ exempted from the regular ~~levy fee~~ of the board for the current year. ~~Such~~ The proof ~~shall must~~ be submitted to the board of hail insurance in accordance with its rules. ~~Said~~ The rules ~~shall must~~ be plainly printed on the applications and policies issued by the department. ~~They shall~~ The rules must provide that the cost for ~~such~~ withdrawn insurance ~~shall must~~ be varied as nearly as practical according to the time the insurance is in force and according to the risk carried.""

**Renumber:** subsequent sections

139. Page 222, line 9.

**Insert: "Section 217.** Section 80-2-230, MCA, is amended to read:

**"80-2-230. Collection of levies fees -- release of lien.** (1) ~~The county treasurer in each county in the state~~ department of revenue shall collect all levies made fees imposed under this part in the same manner as other property taxes are collected and shall keep all moneys collected by him or for him for hail insurance in a separate fund to be known as the hail insurance fund and. The department of revenue shall remit deposit the same money to with the state treasurer in the same manner as provided by law for the remittance of other moneys due to the state. All county treasurers The department of revenue shall use due diligence in making the collections of the levies fees provided herein in this part. Also the board may furnish assistance needed at any time in making collections or may take over the collection of any levy at any time, depositing any collections therefrom with the treasurer of the county where the

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

~~levy therefor was made.~~

(2) All insurance ~~levies fees~~, whether ~~levied imposed~~ against land or in the form of special assessments secured by crop liens, ~~shall be~~ are payable in full and not in semiannual payments on or before November 30 of each year in which ~~such levies the fees are made imposed~~.

(3) Whenever the amount due on any hail insurance secured by a crop lien is paid, the ~~treasurer department~~ of revenue shall promptly endorse on the lien on file in the office of the county clerk and recorder the amount paid ~~thereon~~ with the date of payment and ~~such the~~ endorsement ~~shall be~~ is a satisfaction and release of ~~such the~~ lien.""

**Renumber:** subsequent sections

140. Page 222, line 21.

**Insert:** "Section 218. Section 80-2-231, MCA, is amended to read:

**"80-2-231. Foreclosure of lien.** If the person receiving hail insurance secured by a crop lien fails to pay ~~said~~ the fee for insurance to the ~~county treasurer~~ department of revenue by December 1 of the year in which the crop ~~so~~ insured is grown, the ~~county treasurer~~ department shall on that day or as soon as possible ~~thereafter~~ after that day deliver to the sheriff of ~~said the~~ county a full, true, and correct copy of the lien on file in the office of the clerk and recorder and ~~such the~~ sheriff ~~must shall~~ immediately demand from the person or persons signing ~~such the~~ lien payment of the amount due, ~~thereon and, if the same~~ If the fee is not paid to the sheriff upon ~~such~~ demand being made, the sheriff ~~must forthwith~~ shall seize and sell in the manner provided by law for the sale of personal property under execution a sufficient amount of grain belonging to ~~such the~~ person to pay the amount due for hail insurance together with interest and costs and expenses of seizure and sale.""

**Renumber:** subsequent sections

141. Page 223, line 11.

**Insert:** "Section 219. Section 80-2-232, MCA, is amended to read:

**"80-2-232. State treasurer's Department of revenue's duty -- warrants -- transfers to county and state general fund.** (1) The ~~state treasurer~~ department of revenue shall receive all money paid under this part and shall place the money in trust for the hail insurance program to the credit of the enterprise fund. All money collected by the board must be deposited in the enterprise fund, and all losses must be paid from that fund. All other costs are administrative expenses and must be paid from the board's enterprise fund. If registered warrants are presented and there is no money to pay the warrants, the warrants must be registered and bear interest at the rate of 4% ~~per annum~~ a year until called for payment by the state treasurer.

~~(2) Upon warrants drawn by order of the board, the state treasurer shall pay out of the board's enterprise fund to the county treasurer of each county where state hail insurance coverage is in force 2% of the gross annual levies made and collected in that county under this part for the use of the county as the board of county commissioners may determine.~~

(2) The department of revenue may retain 2% of the gross annual fees imposed and collected under this part for administrative costs associated with billing and collection of hail insurance premiums.

(3) Upon authorization from the board of hail insurance, the state treasurer shall transfer out of the board's enterprise fund to the general fund of the state of Montana 1.5% of the gross annual ~~levies made~~ fees imposed and collected in the state of Montana.""

**Renumber:** subsequent sections

142. Page 224, line 9.

**Insert:** "Section 220. Section 80-2-244, MCA, is amended to read:

**"80-2-244. Payment of losses.** (1) The board of hail insurance shall, as soon as practicable after the loss has been sustained, arrange for the payment of the loss in the following manner. From the amount of the loss as adjusted for each claimant, the board shall deduct the amount that the claimant then owes as a delinquent hail insurance tax fee and the maximum amount assessed as a hail insurance tax fee for the current year.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(2) The board shall on or before November 1 order payment for the amount ~~so deducted, which~~ The payment shall must be remitted to the county treasurer of the county in which the ~~tax fee~~ was assessed imposed. The board shall then order payment for the balance of the adjustment to be sent to the claimant, provided that ~~in no case may~~ the payment for loss may not exceed \$24 per acre for grain crops on nonirrigated lands; ~~or~~ \$48 per acre on irrigated lands. ~~No A~~ A claimant may not receive payment for any loss incurred ~~where if~~ if the loss does not equal or exceed 5% of the total value of the crop insured. If the losses in any year exceed the current ~~levy fees~~ plus the reserve, if any; then the payment of all losses ~~shall must~~ be prorated, ~~share and share alike~~, among all grain growers having loss claims adjusted and approved, and the unpaid balance of the losses ~~shall must~~ be paid out of the reserve without interest in ~~such the~~ order as that the board directs, when in the judgment of the board there ~~are is~~ sufficient moneys money to provide for the payment of the ~~same claims~~ and other items payable out of the reserve. In any year the board may by resolution authorize its ~~chairman presiding officer~~ and secretary to borrow ~~as needed from any person, bank, or corporation such sum or sums of money as that~~ the board may consider necessary for the purpose of paying all warrants as issued.

(3) For any ~~moneys money~~ money borrowed under the provisions of this part, the board shall cause warrants to be drawn. The warrants ~~shall must~~ bear interest at a rate not to exceed 6% a year, and the warrants and the interest ~~thereon shall on the warrants must~~ be paid out of funds from the state hail insurance program as they are collected from the various counties in the state. The board may not at any time borrow a total sum greater than the amount of ~~levies as made for taxes the fees imposed~~ for the current year together with such delinquent taxes as fees that remain unpaid on the books of the county treasurer.""

**Renumber:** subsequent sections

143. Page 225, line 22.

**Insert: "Section 221.** Section 80-7-814, MCA, is amended to read:

**"80-7-814. Administration and expenditure of funds.** (1) (a) Except as provided in subsection (1)(b), money deposited in the noxious weed management trust fund may not be committed or expended until the principal reaches \$2.5 million, except in case of a noxious weed emergency as provided in 80-7-815. Once this amount is accumulated, interest or revenue generated by the trust fund and by other funding measures provided by this part must be deposited in the special revenue fund and may be expended for noxious weed management projects in accordance with this section, as long as the principal of the trust fund remains at least \$2.5 million.

(b) Money deposited as principal in the trust fund from 80-7-822 ~~pursuant to 80-7-810(2)~~ may not be expended until the principal of the trust fund reaches \$10 million. However, interest or revenue generated by the trust fund must be deposited in the special revenue fund and may be expended for noxious weed management projects in accordance with this section.

(2) The department may expend funds under this section through grants or contracts to communities, weed control districts, or other entities that it considers appropriate for noxious weed management projects. A project is eligible to receive funds only if the county in which the project occurs has funded its own weed management program with a levy in an amount not less than 1.6 mills or an equivalent amount from another source or by an amount of not less than \$100,000 for first-class counties, as defined in 7-1-2111.

(3) The department may expend funds without the restrictions specified in subsection (2) for the following:

(a) employment of a new and innovative noxious weed management project or the development, implementation, or demonstration of any noxious weed management project that may be proposed, implemented, or established by local, state, or national organizations, whether public or private. The expenditures must be on a cost-share basis with the organizations.

(b) cost-share noxious weed management programs with local weed control districts;

(c) special grants to local weed control districts to eradicate or contain significant noxious weeds newly introduced into the county. These grants may be issued without matching funds from the district.

(d) administrative expenses of the department for managing the noxious weed management program and other provisions of this part. The cost of administering the program may not exceed 12% of the total program expenses.

(e) administrative expenses incurred by the noxious weed management advisory council;

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(f) a project recommended by the noxious weed management advisory council, if the department determines that the project will significantly contribute to the management of noxious weeds within the state; and

(g) grants to the agricultural experiment station and the cooperative extension service for crop weed management research, evaluation, and education.

(4) The agricultural experiment station and cooperative extension service shall submit annual reports on current projects and future plans to the noxious weed management advisory council.

(5) In making expenditures under subsections (2) and (3), the department shall give preference to weed control districts and community groups.

(6) If the noxious weed management trust fund is terminated by law, the money in the fund must be divided between all counties according to rules adopted by the department for that purpose.""

**Renumber:** subsequent sections

144. Page 226, line 3.

**Insert:** "Section 222. Section 80-7-815, MCA, is amended to read:

**"80-7-815. Noxious weed emergency -- expenditure authorized.** (1) If a new and potentially harmful noxious weed is discovered growing in the state and is verified by the department, the governor may declare a noxious weed emergency. In the absence of necessary funding from other sources, this declaration authorizes the department to allocate up to \$150,000 of the principal of the noxious weed management trust fund to government agencies for emergency relief to eradicate or confine the new noxious weed species.

(2) If the expenditure causes the principal of the trust fund to fall below \$2.5 million, it must be replenished by the interest or revenue generated by the trust fund; or by the other revenue provided by this part, ~~or by revenue obtained from the fee imposed by 61-3-510~~, as determined by the department.""

**Renumber:** subsequent sections

145. Page 226, line 11.

**Insert:** "Section 223. Section 80-7-816, MCA, is amended to read:

**"80-7-816. Account -- deposit -- investment.** (1) There is an account in the state special revenue fund established in 17-2-102. The interest from the noxious weed trust fund ~~and the fee imposed in 61-3-510~~ must be deposited in the account and must be expended as provided in 80-7-814.

(2) The department may direct the board of investments to invest the funds collected under subsection (1) pursuant to the provisions of 17-6-201. The income from the investments must be credited to the account in the state special revenue fund.""

**Renumber:** subsequent sections

146. Page 226, line 17.

**Insert:** "Section 224. Section 80-7-822, MCA, is amended to read:

**"80-7-822. (Temporary) Transfer of funds.** There is transferred \$1,125,000 annually from the highway nonrestricted account established in 15-70-125 to the noxious weed management trust fund, provided for in ~~80-7-810(2)~~ 80-7-811, for noxious weed management. (Terminates July 1, 2001--sec. 7, Ch. 493, L. 1999.)""

**Renumber:** subsequent sections

147. Page 227, line 15.

**Insert:** "Section 225. Section 81-6-101, MCA, is amended to read:

**"81-6-101. Petition for county livestock protective committee -- members -- term.** (1) The board of county commissioners ~~must~~ shall, upon receipt of a petition or petitions to do so, set up a county livestock protective committee of three members. The petition or petitions must be signed by at least 51% of the owners of cattle in the county, and ~~such petitioners must own~~ at least 55% of the cattle in the county must be owned by the petitioners.

(2) Members appointed to serve on ~~such~~ the committee ~~shall~~ must be residents of the county engaged in the



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

business of raising cattle. If there ~~be is~~ in the county any organization of cattle growers, the county commissioners shall give preference to names submitted by ~~any such the~~ group for appointment to ~~such the~~ committee. The term for which ~~said the~~ committee members ~~shall be~~ are appointed ~~shall be is~~ 2 years, with two members of the first committee named to serve for 2 years; and one member to serve for 1 year. Members of ~~such the~~ committee ~~shall~~ may not receive ~~no~~ remuneration or reimbursement for expenses for serving on ~~said the~~ committee.

(3) ~~By~~ As used in this section, "organization of cattle growers"; ~~as used in this section, is meant means~~ any group or organization holding regular meetings at least annually, having officers, and composed predominantly of cattle growers resident in the county, with its membership open to cattle growers willing to abide by its governing rules or bylaws; ~~and its~~ The general purpose being of the organization must be the promotion of the interests of its members in matters pertaining to the cattle or livestock industry.

(4) If ~~the~~ owners of sheep in the county desire to come under the provisions of this part in cooperation with owners of cattle, they shall file a ~~like~~ petition ~~to that set out herein for owners of cattle~~ meeting the requirements of subsection (1) with the county commissioners, and in ~~such that~~ case, at least one member of ~~said the~~ livestock protective committee ~~shall must~~ be a sheep grower and where the word "cattle" appears in this part, it ~~shall be deemed to comprehend also includes~~ the word "sheep".

(5) Owners of sheep ~~alone~~ may form a county livestock protective committee, in which case the word "cattle" as used in this part ~~contained shall be is~~ considered as if it were the word to mean "sheep"; ~~and provided further that the levy as provided in 81-6-104 hereof shall, in the case of sheep, not exceed 5 cents per head."~~

**Renumber:** subsequent sections

148. Page 227, line 24.

**Insert:** "Section 226. Section 81-6-104, MCA, is amended to read:

**"81-6-104. Tax levy Fee -- special fund.** The county livestock protective committee may recommend to the board of county commissioners the levy imposition of a tax fee in an amount not to exceed 50 cents per head on all cattle 9 months of age or older in the county on January 1, and the board of county commissioners shall ~~thereupon be empowered to levy such tax~~ impose the fee, to be collected ~~as other taxes on personal property~~ and ~~when collected to be~~ deposited by the county treasurer in a special fund to be known as the ~~stockmen's livestock~~ special deputy fund, together with any other funds made available from county, state, federal, or private sources for the purposes of this part.""

**Renumber:** subsequent sections

149. Page 228, line 3.

**Insert:** "Section 227. Section 81-6-106, MCA, is amended to read:

**"81-6-106. Discontinuing county livestock protective committee.** Upon receipt of a petition or petitions signed as provided in 81-6-101, the board of county commissioners shall discontinue ~~said a~~ county livestock protective committee; ~~provided, however, that such action in discontinuing said~~ The discontinuance of the committee shall does not affect any ~~levy made fee imposed~~ prior to the receipt of ~~such the~~ petition or petitions and the proceeds of any ~~levy made shall fee imposed must~~ be used for the purposes ~~as in~~ of this part ~~set out~~. ~~No A district shall may not be discontinued so as long as there is any outstanding indebtedness against it."~~

**Renumber:** subsequent sections

150. Page 228, line 13.

**Insert:** "Section 228. Section 81-6-204, MCA, is amended to read:

**"81-6-204. Tax levy Fee -- deposit of proceeds.** The district cattle protective committee may recommend to the board of county commissioners the levy imposition of a tax fee in an amount not to exceed 50 cents per head on all cattle 9 months of age or older in the district on January 1, and the board of county commissioners shall ~~thereupon be empowered to levy such tax~~ impose the fee, to be collected ~~as other taxes on personal property~~ and ~~when collected to be~~ deposited in the county treasury of one of the counties in the district, ~~to be~~ selected by the district cattle protective

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

committee, in a special fund to be known as the ~~stockmen's livestock~~ special deputy fund, together with any other funds made available from county, state, federal, or private sources for the purposes of this part.""

**Renumber:** subsequent sections

151. Page 228, line 24.

**Insert:** "Section 229. Section 81-6-205, MCA, is amended to read:

**"81-6-205. Removal of area from protective district -- discontinuance of district -- levy fee saved.** Upon receipt of a petition or petitions signed in the same number and the same manner as the petition to form the district provided for in 81-6-201, a board of county commissioners shall remove the area in its county from the cattle protective district or the boards of county commissioners of all of the counties affected may discontinue the entire cattle protective district; ~~provided, however, that such action in discontinuing said~~ The discontinuance of a district or part of a district shall does not affect any levy made fee imposed prior to the receipt of such the petition or petitions and the proceeds of any levy made shall fee imposed must be used for the purposes as in of this part set out. No A district or portion of such a district shall may not be discontinued ~~so~~ as long as there is any outstanding indebtedness against it."

**Renumber:** subsequent sections

152. Page 229, line 3.

**Insert:** "Section 230. Section 81-6-209, MCA, is amended to read:

**"81-6-209. Tax levy Fee -- deposit of proceeds.** The district cattle protective committee may recommend to the board of county commissioners the levy imposition of a tax fee in an amount not to exceed 50 cents per head on all cattle 9 months of age or older in the district on January 1, and the board of county commissioners shall ~~thereupon be empowered to levy such tax~~ impose the fee, to be collected ~~as other taxes on personal property and when collected~~ to be deposited in the county treasury in a special fund to be known as the ~~stockmen's livestock~~ special deputy fund, together with any other funds made available from county, state, federal, or private sources for the purposes of this part.""

**Renumber:** subsequent sections

153. Page 229, line 12.

**Insert:** "Section 231. Section 81-6-210, MCA, is amended to read:

**"81-6-210. Discontinuance of district -- levy fee saved.** Upon receipt of a petition or ~~of~~ petitions signed in the same number and in the same manner as the petition to form the district, ~~as herein provided;~~ the board of county commissioners shall discontinue the cattle protective district; ~~provided, however, that such action in discontinuing said~~ The discontinuance of the district shall does not affect any levy made fee imposed prior to the receipt of such the petition or petitions, and the proceeds of any levy made shall fee imposed must be used for the purposes as in of this part set out. No A district or portion of such a district shall may not be discontinued ~~so~~ as long as there is any outstanding indebtedness against it."

**Renumber:** subsequent sections

154. Page 230, line 17.

**Insert:** "Section 232. Section 81-7-104, MCA, is amended to read:

**"81-7-104. (Temporary) Predator control ~~moneys~~ money -- use of proceeds.** (1) The department ~~of livestock~~ shall allocate a portion of the money from the levy fee under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by wild animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, extermination, and control, including systematic hunting and trapping and payment of bounties.

(2) Money ~~shall~~ may be paid out only on claims ~~duly and regularly~~ presented to the department ~~of livestock~~ and approved by the department in accordance with the law applicable either to claims for bounties or for other

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

expenditures ~~necessary and proper~~ for predatory animal control ~~by means and~~ methods other than payment of bounties, as determined by the department. Money designated for predator control ~~shall~~ must be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, extermination, and control of predatory wild animals, as determined by the department and its advisory committee. ~~No claims~~ Claims may ~~not~~ be approved in excess of ~~moneys~~ money available for ~~such purposes~~ that purpose, and ~~no~~ warrants may ~~not~~ be registered against the ~~moneys~~ money.

**81-7-104. (Effective on occurrence of contingency) Predator control money -- use of proceeds.** (1) The department ~~of livestock~~ shall allocate a portion of the money from the ~~levy fee~~ under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by predatory animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, extermination, and control, including systematic hunting and trapping and payment of bounties.

(2) Money ~~must~~ may be paid out only on claims ~~duly and regularly~~ presented to the department ~~of livestock~~ and approved by the department in accordance with the law applicable either to claims for bounties or for other expenditures ~~necessary and proper~~ for predatory animal control ~~by means and~~ methods other than payment of bounties, as determined by the department. Money designated for predator control must be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, extermination, and control of predatory animals, as determined by the department and its advisory committee. Claims may not be approved in excess of money available for ~~those purposes~~ that purpose, and warrants may not be registered against the money.'''

**Renumber:** subsequent sections

155. Page 231, line 3.

**Insert: "Section 233.** Section 81-7-113, MCA, is amended to read:

**"81-7-113. Claim for bounty.** (1) A sheriff, undersheriff, and deputy sheriff, to prevent fraud, shall carefully examine each skin presented. If the examination discloses that the scalp and ears with the skin from the entire head of the animal have not been severed, punched, patched, or marked, ~~he~~ the officer shall, in the presence of the person presenting the skin, mark the skin by severing the skin from the head, including the ears, and then redeliver the skin to the person presenting it. ~~and~~ The officer shall require an affidavit from the claimant that the claimant killed the animal. The affidavit ~~shall~~ must be on forms prescribed by the department and contain information the department requires.

(2) The officer shall require affidavits from two ~~resident taxpayers~~ residents residing in the vicinity in which the animal was killed, setting forth that they are ~~resident taxpayers~~ residents paying fees on livestock, giving their post-office addresses, and stating that they are personally acquainted with the person presenting the skin and, to their knowledge, the person did kill the animal from which the skin was taken within 30 days preceding the offering of the skin for a bounty to the sheriff, undersheriff, or deputy sheriff to which it is presented. ~~A taxpayer~~ An individual who makes a false certificate or affidavit under this section in a material portion is guilty of a felony, punishable the same as for the crime of perjury.'''

**Renumber:** subsequent sections

156. Page 231, line 21.

**Insert: "Section 234.** Section 81-7-114, MCA, is amended to read:

**"81-7-114. Certificate and record of sheriff.** (1) Upon receiving the affidavit required pursuant to 81-7-113, the officer shall deliver to the person claiming a bounty a certificate addressed to the county clerk of the officer's county and immediately deliver to the county clerk a duplicate of the certificate, showing the date, number, and kind of skins marked for severing and the name of the person presenting the skins. The certificate must also recite that the filing of the affidavits ~~of taxpayers~~ required by 81-7-113 has been done and the examination of the skins has been made as

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

required. The certificate must be signed by the officer in the officer's official capacity. ~~When a doubt exists as to the kind of skin presented, whether wolf or coyote, the certificate must be issued for the lesser bounty.~~ Each sheriff shall keep a record of all skins marked and severed, showing the date, number, and kinds and the names of the persons presenting the skins. This record is an official record. The sheriff, undersheriff, or deputy sheriff may not perform any duties under 81-7-111 through 81-7-118 and 81-7-120 through 81-7-122 except at the county seat.

(2) The sheriff shall, not later than the 15th of each month, give to the county clerk and recorder a report setting forth the names of the persons presenting skins, with the number of the certificate and the kind and number of the skins presented. The sheriff shall report for each certificate issued during the month.""

**Renumber:** subsequent sections

157. Page 232, line 13.

**Insert:** "Section 235. Section 81-7-118, MCA, is amended to read:

**"81-7-118. (Temporary) Levy of tax Fee for purpose of paying bounty claims -- limitation on levy fee.** The department of revenue shall annually prescribe the ~~levy fee~~ recommended by the department to be ~~made~~ assessed against livestock of all classes for paying for the destruction of wild animals killed in this state. ~~The tax in any 1 year may not exceed 7.5 mills on the taxable value of the livestock.~~ The money received must be used only for the payment of claims approved by the department for the destruction of wild animals and for the administration of 81-7-111 through 81-7-118 and 81-7-120 through 81-7-122. The money received for the ~~taxes levied fees imposed~~ must be sent annually ~~with other taxes~~ to the state treasurer by the county treasurer of each county. When the money is received by the state treasurer, it must be placed in the state special revenue fund and may then be paid out on claims approved under the law governing the payment of claims.

**81-7-118. (Effective on occurrence of contingency) Levy of tax Fee for purpose of paying bounty claims -- limitation on levy fee.** The department of revenue shall annually prescribe the ~~levy fee~~ recommended by the department to be ~~made~~ assessed against livestock of all classes for paying for the destruction of predatory animals killed in this state. ~~The tax in any 1 year may not exceed 7.5 mills on the taxable value of the livestock.~~ The money received must be used only for the payment of claims approved by the department for the destruction of predatory animals and for the administration of 81-7-111 through 81-7-118 and 81-7-120 through 81-7-122. The money received for the ~~taxes levied fees imposed~~ must be sent annually ~~with other taxes~~ to the state treasurer by the county treasurer of each county. When the money is received by the state treasurer, it must be placed in the state special revenue fund and may then be paid out on claims approved under the law governing the payment of claims.""

**Renumber:** subsequent sections

158. Page 232, line 22.

**Insert:** "Section 236. Section 81-7-201, MCA, is amended to read:

**"81-7-201. County levy fee for bounties on predatory animals.** Whenever the owners, ~~agent~~, or agents of the owners ~~representing~~ of not less than 51% of the livestock of any county in this state present a petition to the board of county commissioners ~~of such county~~ asking for the levy imposition of a tax fee upon the livestock of the county for the purpose of paying bounties on predatory animals killed in the county, ~~it is the duty of the the board of county commissioners to make the levy, which may not exceed 50 mills on the dollar of the taxable value of~~ shall impose the fee on all livestock in the county. The tax shall be assessed and collected in the same manner as all other state and county taxes."

**Renumber:** subsequent sections

159. Page 233, line 10.

**Insert:** "Section 237. Section 81-7-202, MCA, is amended to read:

**"81-7-202. Signers of petition -- time for presenting -- limitation on bounties -- bounty inspectors. (1)** The petition provided for in 81-7-201 ~~shall~~ must be signed by the owners, ~~agent~~, or agents of the owners of not less than 51% of the livestock of ~~such the county as ascertained from the assessment books of such county~~ and ~~shall~~ must

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

recommend to the board of county commissioners the bounties to be paid on ~~such~~ predatory animals, which ~~shall~~ may not exceed the following:

- (a) on each wolf or mountain lion, \$100;
- (b) on each wolf pup or mountain lion kitten, \$20;
- (c) on one coyote, \$5; and
- (d) on each coyote pup, \$2.50.

(2) ~~Such~~ A petition ~~shall~~ must be presented not later than August 1 of each year, and the board of county commissioners on determining the sufficiency of ~~such~~ the petition shall make an order granting ~~such~~ the petition; ~~which~~ The order ~~shall~~ must fix the ~~levy~~ fee for that year and the amount of the bounties to be paid for the killing of each ~~such~~ predatory animal, which ~~shall~~ may not exceed the amounts recommended in ~~such~~ the petition; The order may also ~~and~~ appoint not less than 10 or more than 20 stockowners of ~~such~~ the county to be bounty inspectors under this part, without compensation, who shall hold their offices for 1 year."

**Renumber:** subsequent sections

160. Page 237, line 13.

**Insert:** "NEW SECTION. Section 244. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate a portion of the block grant amount into each district's fiscal year 2002 budget as an anticipated revenue source by fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

(2) If the biennial appropriation provided in [section 248(1)] is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed. If the appropriation for block grants is greater than or less than the amount received by schools from the sources enumerated in subsection (1), the office of public instruction shall prorate the amount appropriated based upon the fiscal year 2001 revenue.

(4) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in each succeeding fiscal year."

**Renumber:** subsequent sections

161. Page 241, line 17.

**Insert:** "NEW SECTION. Section 245. Countywide school retirement block grants. (1) The office of public instruction shall distribute one-half of the amount appropriated for countywide school retirement in November and the remainder in May. The total amount for each county is as follows:

	FY 2002	FY2002	FY2003	FY2003
	Elementary	High School	Elementary	High School
	Payment	Payment	Payment	Payment
Beaverhead	\$86,692	\$50,789	\$87,351	\$51,175

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Big Horn	62,668	36,963	63,144	37,244
Blaine	61,160	10,193	61,624	10,271
Broadwater	0	92,686	0	93,390
Carbon	43,451	82,110	43,782	82,734
Carter	9,751	5,453	9,825	5,495
Cascade	349,056	192,848	351,709	194,314
Chouteau	75,384	41,034	75,957	41,346
Custer	78,925	36,930	79,525	37,211
Daniels	0	37,994	0	38,283
Dawson	85,568	38,722	86,219	39,016
Deer Lodge	39,980	17,059	40,284	17,189
Fallon	0	0	0	0
Fergus	119,028	78,809	119,932	79,408
Flathead	558,861	296,410	563,108	298,662
Gallatin	383,035	181,743	385,946	183,125
Garfield	12,337	10,170	12,431	10,247
Glacier	79,924	34,016	80,532	34,275
Golden Valley	0	16,716	0	16,843
Granite	14,074	48,026	14,180	48,391
Hill	142,867	82,538	143,953	83,165
Jefferson	116,679	59,523	117,565	59,976
Judith Basin	6,149	21,359	6,196	21,521
Lake	173,584	139,990	174,903	141,054
Lewis & Clark	344,112	211,726	346,728	213,335
Liberty	20,144	16,786	20,297	16,914
Lincoln	73,001	98,835	73,556	99,586
Madison	0	103,163	0	103,947
McCone	23,214	15,824	23,390	15,945
Meagher	13,654	10,678	13,758	10,759
Mineral	0	32,206	0	32,451
Missoula	487,129	362,756	490,832	365,513
Musselshell	30,675	21,577	30,908	21,741
Park	154,192	81,696	155,364	82,317
Petroleum	0	16,897	0	17,026
Phillips	10,502	95,084	10,582	95,806
Pondera	79,805	60,307	80,411	60,765
Powder River	18,815	15,011	18,958	15,125
Powell	69,695	22,666	70,225	22,838
Prairie	0	26,791	0	26,995
Ravalli	85,333	169,769	85,981	171,059
Richland	83,671	30,302	84,307	30,533
Roosevelt	71,090	60,329	71,630	60,787
Rosebud	359,662	286,411	362,395	288,588
Sanders	203,863	127,694	205,413	128,665
Sheridan	0	46,231	0	46,583
Silver Bow	249,821	141,541	251,719	142,617
Stillwater	91,487	75,926	92,182	76,503
Sweet Grass	36,996	36,327	37,277	36,603
Teton	57,760	41,547	58,199	41,863

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Toole	43,323	51,399	43,652	51,790
Treasure	0	18,947	0	19,091
Valley	15,824	90,532	15,944	91,220
Wheatland	20,946	12,103	21,105	12,195
Wibaux	0	14,585	0	14,696
Yellowstone	1,125,488	643,136	1,134,042	648,024
Total	6,269,374	4,650,865	6,317,022	4,686,212

(2) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in each succeeding fiscal year."

**Renumber:** subsequent sections

162. Page 244, line 25.

**Insert:** "NEW SECTION. Section 246. Countywide school transportation block grants. (1) The office of public instruction shall distribute one-half of the amount appropriated for countywide school transportation in November and the remainder in May. The total amount for each county is as follows:

	FY 2002	FY2003
	Payment	Payment
Beaverhead	\$29,924	\$30,151
Big Horn	43,635	43,966
Blaine	3,727	3,756
Broadwater	14,935	15,048
Carbon	23,493	23,671
Carter	8,675	8,741
Cascade	84,382	85,024
Chouteau	33,063	33,314
Custer	7,069	7,123
Daniels	16,771	16,899
Dawson	21,356	21,518
Deer Lodge	14,392	14,502
Fallon	20,447	20,603
Fergus	58,765	59,211
Flathead	89,846	90,529
Gallatin	81,262	81,879
Garfield	17,284	17,415
Glacier	37,740	38,027
Golden Valley	3,547	3,574
Granite	8,153	8,215
Hill	46,409	46,762
Jefferson	36,329	36,605
Judith Basin	16,878	17,007
Lake	69,756	70,286
Lewis & Clark	58,287	58,730
Liberty	15,874	15,995
Lincoln	50,388	50,771
Madison	21,263	21,424
McCone	12,498	12,593
Meagher	4,237	4,269
Mineral	7,478	7,534

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Missoula	93,969	94,683
Musselshell	12,945	13,043
Park	31,904	32,147
Petroleum	9,854	9,929
Phillips	31,080	31,316
Pondera	22,599	22,771
Powder River	21,304	21,465
Powell	16,622	16,748
Prairie	8,544	8,609
Ravalli	60,579	61,040
Richland	32,995	33,246
Roosevelt	25,740	25,935
Rosebud	97,820	98,564
Sanders	71,581	72,125
Sheridan	12,946	13,045
Silver Bow	21,872	22,038
Stillwater	27,358	27,566
Sweet Grass	14,996	15,110
Teton	28,202	28,416
Toole	17,208	17,339
Treasure	5,446	5,487
Valley	26,677	26,880
Wheatland	9,142	9,212
Wibaux	6,198	6,246
Yellowstone	149,314	150,448
Total	1,814,759	1,828,551

(2) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in each succeeding fiscal year."

**Renumber:** subsequent sections

163. Page 246, line 3.

**Insert:** "Section 247. Section 5, Chapter 95, Laws of 2001, is amended to read:

"Section 5. Coordination instruction. If both House Bill No. 124 and [this act] are passed and approved:

(1) then [section 1 of this act] must read as follows:

**"23-2-533. (Temporary) Use of percentage of boat fees allocated funds for boat boating facilities -- designation of fees for regional use.** (1) ~~At the time the fee in lieu of tax imposed under 23-2-516 is collected, the payor shall designate the fish, wildlife, and parks administrative region in which the majority of the payor's boating activities take place. Upon receipt of the fee in the motorboat account in the state special revenue fund, the department shall earmark the fee for use in the designated region.~~

~~(2) All fees designated~~ Funds allocated to the motorboat account ~~by 23-2-518(2)~~ must be used by the department to:

(a) ~~improve, operate, or maintain regional boating facilities under the control of the department and, in conjunction with other funds in the motorboat account, to; and~~

(b) cover costs associated with the boating advisory council created in 23-2-536.

(2) The department may use the fees funds to match available federal funds to the extent possible. Expenditure of fees funds must be made after consideration of recommendations by the boating advisory council. ~~(Terminates June 30, 2002--sec. 9, Ch. 476, L. 1995.)"~~



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(2) then 23-2-534, MCA, is amended to read:

**"23-2-534. (Temporary) Funding of state recreational boating safety program -- certification of county programs -- administration by counties.** (1) The department may in its discretion use available state funds and federal matching funds to contract with counties to implement designated parts of the state recreational boating safety program. If a county accepts a grant, the county shall agree to implement a program that is certified by the department as fulfilling the requirements of the state recreational boating safety program.

(2) A county may ~~designate any amount of boat fees in lieu of tax, unless otherwise allocated by 23-2-518(2), or other allocate funds for collection by~~ to the department for the recreational boating safety program. This money must be used by the department for contracts with counties for the recreational boating safety program. ~~(Terminates June 30, 2002--sec. 10, Ch. 476, L. 1995.)"~~

**Renumber:** subsequent sections

164. Page 246, line 18.

**Insert: "NEW SECTION. Section 248. Appropriations.** (1) There is appropriated from the general fund to the office of public instruction \$114,394,755 for the biennium ending June 30, 2003, for the purpose of school district block grants as provided in [section 244].

(2) There is appropriated from the general fund to the office of public instruction \$10,920,239 for fiscal year 2002 and \$11,003,234 for fiscal year 2003 for the purpose of countywide school retirement block grants as provided in [section 245].

(3) There is appropriated from the general fund to the office of public instruction \$1,814,759 for fiscal year 2002 and \$1,828,551 for fiscal year 2003 for the purpose of countywide school transportation block grants as provided in [section 246].

(4) If Senate Bill No. 176 is passed and approved, then there is appropriated from the general fund to the supreme court for fiscal year 2003 the amount deducted from the entitlement share payment in [section 1(2)] plus an additional 6%. The amount appropriated is up to \$25 million to be used for the purpose of implementing Senate Bill No. 176."

**Renumber:** subsequent sections

165. Page 246, line 22.

**Insert: "NEW SECTION. Section 249. Inclusion of appropriations in budget.** The governor shall include the appropriation in [section 248(1)] in the present law base budget prepared for the 58th legislative session for continued funding of the school district budget items funded by that appropriation."

**Renumber:** subsequent sections

166. Page 246, line 27.

**Insert: "NEW SECTION. Section 250. Reservation of funds.** The amount of \$7,447,018 must be reserved for countywide retirement and countywide transportation in fiscal year 2004 and the amount of \$4,812,299 must be reserved for countywide retirement and countywide transportation in fiscal year 2005."

**Renumber:** subsequent sections

167. Page 247, line 6.

**Insert: "NEW SECTION. Section 251. Policy and purpose.** (1) The purpose of [House Bill No. 124] is to establish a financial partnership between state and local governments.

(2) This partnership is founded on trust and is committed to protecting and promoting the financial interests of cities, towns, counties, local schools, special districts, and state government.

(3) Local governments agree to relinquish dedicated revenue in exchange for an entitlement share of the state general fund based on a formula that responds to the performance of the Montana economy.

(4) The legislature agrees to fund the entitlement share in accordance with the provisions of [section 1]."

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Renumber:** subsequent sections

168. Page 247, line 10.

**Insert:** "NEW SECTION. Section 252. Coordination with school funding study. If an interim study of school funding is conducted during the interim commencing July 1, 2001, the study must include recommendations for retaining or repealing the block grants provided for in [sections 244 through 246]. "

**Renumber:** subsequent sections

169. Page 247, line 11.

**Following:** "(1)"

**Insert:** "(1)"

**Strike:** "3-5-404,"

170. Page 247, line 13.

**Strike:** "AND"

171. Page 247, lines 17 and 18.

**Following:** "87-1-604," on line 17

**Insert:** "17-3-214, 20-25-1007, 52-1-110, 53-2-302, 53-2-306, 53-2-322, 53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247, 61-3-508, 61-3-510, 61-3-511, 61-3-512, 76-1-405, 76-1-407, 77-1-505, 77-1-506, 77-1-507, 80-2-223, and 80-7-810,"

**Strike:** "AND" on line 17 through "1997," on line 18

172. Page 247, line 20.

**Insert:** "(2) Sections 15-31-701 and 15-31-702, MCA, are repealed."

173. Page 247, line 22.

**Strike:** "[SECTION 1] IS"

**Insert:** "[Sections 1, 3, and 251] are"

174. Page 247, line 23.

**Strike:** "[SECTION 1]"

**Insert:** "[sections 1, 3, and 251]"

175. Page 248, line 2.

**Following:** "NOT"

**Insert:** "not"

**Following:** "z"

**Insert:** "z"

176. Page 248, line 3.

**Strike:** ", SENATE BILL NO. 176"

**Insert:** "(a) [section 1(1)(d) of this act]"

**Following:** "z"

**Insert:** "z"

177. Page 248, line 7.

**Following:** "VOID:"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert:** "(b) the phrase "the fiscal year 2001 increased costs for the state assumption of district court expenses provided for in 3-5-901 and" in [section 1(2) of this act] is void; and  
(c) the amendments to 3-2-714, 3-5-901, 25-1-201, 40-4-215, 40-4-226, 42-2-105, and 52-6-105 in [this act] are void."

178. Page 250.

**Following:** line 20

**Insert:** "(3) If Senate Bill No. 176 and [this act] are both passed and approved, then the amendments to 3-2-714, 3-5-901, 25-1-201, 40-4-215, and 40-4-226, in [this act] are void and the amendments to 42-2-105 and 61-3-509 in Senate Bill No. 176 are void.

(4) If Senate Bill No. 73 and [this act] are both passed and approved, then the amendments to 23-2-518, 23-2-618, 23-2-803, 61-3-509, and 67-3-205 in Senate Bill No. 73 are void.

(5) If Senate Bill No. 144 and [this act] are both passed and approved, then the amendment to 72-16-912 in Senate Bill No. 144 is void.

(6) If Senate Bill No. 175 and [this act] are both passed and approved then the amendments to 23-2-616, 61-3-321, and 61-3-509 in Senate Bill No. 175 are void.

(7) If Senate Bill No. 317 and [this act] are passed and approved, then 16-1-406 must read as follows:

**Section 105.** Section 16-1-406, MCA, is amended to read:

**"16-1-406. Taxes on beer.** (1) A tax of ~~\$4.30 per~~ is imposed on each barrel of 31 gallons ~~is imposed on each barrel~~ of beer sold in Montana by a wholesaler. A barrel of beer equals 31 gallons. The tax is based upon the total number of barrels of beer produced by a brewer in a year. A brewer who produces less than 20,000 barrels of beer a year is taxed on the following increments of production:

(i) up to 5,000 barrels, \$1.30;

(ii) 5,001 barrels to 10,000 barrels, \$2.30; and

(iii) 10,001 barrels to 20,000 barrels, \$3.30.

(b) The tax on beer sold for a brewer who produces over 20,000 barrels is \$4.30.

(2) The tax imposed pursuant to subsection (1) is due at the end of each month from the wholesaler upon beer sold by the wholesaler during that month. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

~~(2)(3)~~ Each quarter, in accordance with the provisions of 15-1-501, of the tax collected pursuant to subsection (1), an amount equal to:

(a) ~~\$1~~ 23.26% must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism; and

(b) ~~50 cents~~ the balance must be deposited in the state general fund; ~~and~~

(c) ~~\$2.80 must be deposited with the state treasurer to the credit of the incorporated cities and towns beer tax account in the state special revenue fund.~~

~~(3) (a) The money in the incorporated cities and towns beer tax account is statutorily appropriated, as provided in 17-7-502, to the department, which shall, monthly, distribute this amount of money to the incorporated cities and towns in the direct proportion that the population of each city and town bears to the total population of all incorporated cities and towns as shown in the latest official federal census as adjusted by the most recent population estimates published by the U.S. bureau of the census. For cities and towns incorporated after the latest official federal census, the census must be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials of that city or town. If a city or town disincorporates, it may not receive any funds under this section and the amount previously distributed to the city or town must be distributed to the remaining incorporated cities and towns. All funds received by cities and towns under this section must be expended for state purposes, such as law enforcement, maintenance of the transportation system, and public health.~~

~~(b) The department may adjust population estimates only on the July 1 following the date of publication of the estimates by the U.S. bureau of the census. The adjusted distribution formula must remain in effect for the entire~~

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

fiscal year."

(8) If Senate Bill No. 339 and [this act] are both passed and approved, then the amendments to 41-3-1122, 53-2-207, and 53-2-304 in [this act] are void.

(9) If Senate Bill No. 389 and [this act] are both passed and approved, then 80-2-232 must read as follows:  
Section 219. Section 80-2-232, MCA, is amended to read:

"80-2-232. ~~State treasurer's~~ Department of revenue's duty -- warrants -- transfers to ~~county and~~ state general fund. (1) The ~~state treasurer~~ department of revenue ~~shall~~ must receive all money paid under this part and shall place the money in trust for the hail insurance program to the credit of the enterprise fund. All money collected by the board must be deposited in the enterprise fund, and all losses must be paid from that fund. All other costs are administrative expenses and must be paid from the board's enterprise fund. If registered warrants are presented and there is no money to pay the warrants, the warrants must be registered and bear interest at the rate of 4% ~~per annum~~ a year until called for payment by the state treasurer.

(2) ~~Upon warrants drawn by order of the board, the state treasurer shall pay out of the board's enterprise fund to the county treasurer of each county where state hail insurance coverage is in force 2% of the gross annual levies made and collected in that county under this part for the use of the county as the board of county commissioners may determine. The department of revenue may retain 2% of the gross annual fees imposed and collected under this part for administrative costs associated with billing and collection of hail and fire insurance premiums.~~

(3) Upon authorization from the board of hail insurance, the state treasurer shall transfer out of the board's enterprise fund to the general fund of the state of Montana 1.5% of the gross annual ~~levies made~~ fees imposed and collected in the state of Montana."

(10) (a) If Senate Bill No. 448 and [this act] are both passed and approved then [section 2 of Senate Bill No. 448], amending 61-3-321, is void.

(b) If Senate Bill No. 448 is not passed and approved then:

(i) in [section 3 of this act], the bracketed subsection (3)(f) relating to a fee for transportation for senior citizens and persons with disabilities is void; and

(ii) in [section 163 of this act], the bracketed subsection (6) of 61-3-321, relating to a fee for transportation for senior citizens and persons with disabilities is void."

**Renumber:** subsequent subsection

179. Page 250, line 21 through page 252, line 26.

**Following:** "THEN" page 250, line 21

**Insert:** "the amendment to"

**Following:** "15-10-420" page 250, line 21

**Insert:** "in Senate Bill No. 501 is void."

**Strike:** ", MUST" on page 250, line 21 through "unit." on page 252, line 26

180. Page 252, line 28.

**Strike:** "DATE"

**Insert:** "dates"

181. Page 252, line 29.

**Strike:** "[THIS ACT]"

**Insert:** "(1) Except as provided in subsections (2) and (3), [this act]"

182. Page 252.

**Following:** line 30

**Insert:** "(2) [Section 253(2) and this section] are effective on passage and approval.

(3) [Sections 6, 7, and 144] are effective July 1, 2002."

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

183. Page 253, line 7.

**Insert:** "NEW SECTION. Section 257. Retroactive applicability. (1) [Section 253(2)] applies retroactively, within the meaning of 1-2-109, to July 1, 2000.

(2) [Section 143] applies retroactively, within the meaning of 1-2-109, to April 1, 2000."

For the House:

Story, Chairman  
Esp  
Mangan

For the Senate:

Johnson, Chairman  
Stonington

FREE CONFERENCE COMMITTEE  
on House Bill 600  
Report No. 1, April 18, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 600**, met April 18, 2001, and considered:

1. Senate Committee on Taxation amendments to third reading copy, dated April 6, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated April 7, 2001.

We recommend that **House Bill 600** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 4.

**Following:** "EXEMPTING"

**Insert:** "CERTAIN"

2. Page 1, line 29.

**Following:** "OWNED"

**Insert:** "or leased"

3. Page 1, line 29 through line 30.

**Strike:** "OR" on line 29 through "ACT" on line 30

4. Page 1, line 30.

**Strike:** "OWNER"

**Insert:** "person"

**Strike:** "OWNER'S"

**Insert:** "person's"

5. Page 2, line 3.

**Following:** "OWNED"

**Insert:** "or leased"

**Strike:** "70%"

**Insert:** "80%"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

6. Page 2, line 11.

**Strike:** "INCLUDES BUT"

**Strike:** "NOT"

7. Page 2, line 12 through line 13.

**Following:** "FUELS" on line 12

**Strike:** " " on line 12 through "COGENERATION" on line 13

8. Page 2, line 14.

**Strike:** "OWNER'S"

**Insert:** "person's"

For the House:

Story, Chairman  
Devlin  
Forrester

For the Senate:

Cole, Chairman  
DePratu  
Halligan

FREE CONFERENCE COMMITTEE  
on House Bill 637  
Report No. 1, April 19, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 637**, met April 18, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 28, 2001; and
2. Senate Committee on Finance amendment to second house, second reading copy, dated April 7, 2001; and
3. Senate Committee of the Whole amendments to second house, second reading copy, dated April 11, 2001.

We recommend that **House Bill 637** (reference copy – salmon) be amended as follows:

1. Page 1, line 30.

**Following:** "supporting"

**Strike:** "the use of community-based, INCLUDING FAITH-BASED,"

2. Page 3, line 3.

**Strike:** "FEDERAL,"

**Following:** "STATE;"

**Strike:** " "

3. Page 3, line 6.

**Strike:** "TO COMMUNITIES"

4. Page 3, line 7.

**Following:** "21"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert:** "to community-based, including faith-based, organizations"

5. Page 4, line 10 through 12.

**Following:** "support" on line 10

**Strike:** remainder of line 10 through "faith-based," on line 11

**Following:** "on" on line 11

**Strike:** remainder of line 11 through "state" on line 12

**Insert:** "restorative justice principles"

6. Page 4, line 19.

**Strike:** "\$400,000"

**Insert:** "\$200,000"

For the House:

Younkin, Chairman  
Kaufmann  
K. Peterson

For the Senate:

Grimes, Chairman  
Bishop  
Doherty

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative D. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 554 - Senate Amendments** - Representative Sliter moved Senate amendments to **HB 554** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, E. Clark, Devlin, Eggers, Erickson, Fisher, Fuchs, Ripley, Smith, Waddill, Whitaker.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Total 0

**HB 208 - Free Conference Committee Report No. 1** - Representative Noennig moved the Free Conference Committee report to **HB 208** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 226 - Conference Committee Report No. 1** - Representative Bales moved the Conference Committee report to **HB 226** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Fisher, Hurdle, Jayne, Lee.

Total 4

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HB 290 - Conference Committee Report No. 1** - Representative Younkin moved the Conference Committee report to **HB 290** be adopted. Motion carried as follows:



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Balyeat, Laible, Waitschies.

Total 3

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 359 - Conference Committee Report No. 1** - Representative Shockley moved the Conference Committee report to **HB 359** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: Erickson.

Total 1

**HB 360 - Conference Committee Report No. 1** - Representative Shockley moved the Conference Committee report to **HB 360** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible,

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Newman.

Total 1

Excused: None.

Total 0

Absent or not voting: Kasten, Story.

Total 2

**HB 644 - Conference Committee Report No. 1** - Representative Pattison moved the Conference Committee report to **HB 644** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

Noes: Bixby, Buzzas, P. Clark, Cyr, Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Lee, Mangan, Newman, Walters, Wanzenried.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 82 - Governor's Amendments** - Representative R. Brown moved Governor's amendments to **SB 82** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 74

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Noes: Adams, Bales, Balyeat, Barrett, E. Clark, Davies, Devlin, Esp, Gillan, Golie, Himmelberger, Jackson, Laible, Laszloffy, Lawson, Lewis, Masolo, Pattison, Rice, Ripley, Rome, Schmidt, Vick, Waitschies, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**SB 274 - Governor's Amendments** - Representative Sliter moved Governor's amendments to **SB 274** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 97

Noes: Balyeat.

Total 1

Excused: None.

Total 0

Absent or not voting: Callahan, Younkin.

Total 2

**SB 338 - Governor's Amendments** - Representative Lewis moved Governor's amendments to **SB 338** be **not** concurred in.

Representative Whitaker moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Lee, Newman, Raser, Schmidt, Smith, Tropila.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Total 30

Excused: None.

Total 0

Absent or not voting: Mangan, Sliter, Thomas.

Total 3

Motion that Governor's Amendments to **SB 338** be **not** concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 54

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 45

Excused: None.

Total 0

Absent or not voting: Holden.

Total 1

**SB 322 - Free Conference Committee Report No. 1** - Representative Kasten moved the Free Conference Committee report to **SB 322** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Adams, Devlin, Fisher, K. Peterson, Rome.

Total 5

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Absent or not voting: None.  
Total 0

**SB 398 - Free Conference Committee Report No. 1** - Representative Mood moved the Free Conference Committee report to **SB 398** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 74

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gutsche, Hurdle, Jayne, Jent, Juneau, Kaufmann, Lee, Mangan, Musgrove, Raser, Smith, Tropila, Wanzenried.  
Total 25

Excused: None.  
Total 0

Absent or not voting: Fritz.  
Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 64

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 33

Excused: None.  
Total 0

Absent or not voting: D. Brown, Newman, Witt.  
Total 3

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**MOTIONS**

Representative Sliter moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on **SB 176**. Motion carried.

The Speaker appointed the following members:

Representative Witt, Chairman  
Representative Esp  
Representative Erickson

Representative Sliter moved that the House reconsider its action on **SB 437** and that it be placed on second reading today. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Juneau, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 70

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Dell, Erickson, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Kaufmann, Keane, Laslovich, Lee, Mangan, K. Peterson, Rice, Schmidt, Smith, Steinbeisser, Tramelli, Wanzenried.

Total 28

Excused: None.

Total 0

Absent or not voting: Eggers, Gallus.

Total 2

Representative Sliter moved that **SB 437** be taken from the Committee of the Whole and rereferred to a free conference committee. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 118, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood,

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Erickson, Fritz, Lee.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 119, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Callahan, Erickson, Gallus, Hurdle, Kaufmann, Mangan, Noennig, K. Peterson, Tramelli, Tropila.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 214, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Devlin, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 83

Noes: Balyeat, Bixby, R. Brown, Dale, Dell, Eggers, Erickson, Esp, Himmelberger, Jayne, Juneau, Kasten, Pattison, Steinbeisser, Story, Waitschies, Mr. Speaker.

Total 17

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 216, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin.  
Total 66

Noes: Balyeat, Bixby, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Galvin-Halcro, Golie, Gutsche, Hurdle, Jayne, Jent, Juneau, Kasten, Kaufmann, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Ripley, Shockley, Smith, Tramelli, Tropila, Wanzenried, Wolery, Mr. Speaker.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 266, Conference Committee Report No. 2**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: Bixby, Cyr, Erickson, Gallus, Jent, Kaufmann, Keane, Newman.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**HB 324, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 64

Noes: Adams, Bales, Balyeat, Barrett, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Masolo, McCann, Mood, Pattison, K. Peterson, Rice, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Mr. Speaker.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 459, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 543, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf,

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: P. Clark, Eggers, Gallik, Hurdle, Musgrove, Smith, Tramelli.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 559, Conference Committee Report No. 2**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 80

Noes: Bixby, Buzzas, Carney, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Raser, Tramelli, Wanzenried.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 572, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jacobson, Jent, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 72

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jayne, Juneau, Kaufmann, Laslovich, Lee, Musgrove, Raser, Schmidt, Tramelli, Waddill, Wanzenried.

Total 27

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Excused: None.  
Total 0

Absent or not voting: Jackson.  
Total 1

**HB 603, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Eggers.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 605, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Waddill, Wanzenried.  
Total 39

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 612, Conference Committee Report No. 1**, adopted as follows:

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Hurdle, Jayne.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 32, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Andersen, R. Brown, E. Clark, Dale, Devlin, Holden, Mangan, Pattison, K. Peterson, Story, Walters, Wolery.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 28, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 48, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Carney, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Laible, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Younkin.  
Total 66

Noes: Balyeat, Bixby, Branae, Brueggeman, Buzzas, Callahan, P. Clark, Cyr, Davies, Eggers, Erickson, Esp, Facey, Fisher, Gutsche, Haines, Harris, Hurdle, Jent, Kaufmann, Laslovich, Laszloffy, Lindeen, Masolo, Mood, K. Peterson, Rice, Schrumpf, Sliter, Smith, Vick, Waitschies, Wolery, Mr. Speaker.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 135, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Newman, Shockley.  
Total 2

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 151, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 69

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lindeen, K. Peterson, Raser, Schmidt, Tramelli, Waitschies, Mr. Speaker.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 185, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Adams.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Pattison.  
Total 1

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**SB 283, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Mangan, Pattison, Vick.

Total 4

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**SB 327, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: P. Clark, Jackson, K. Peterson.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 423, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman,

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Curtiss, Gallus, Galvin-Halcro, Raser, Ripley, Rome, Steinbeisser, Tropila.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 427, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Davies, Kasten, Vick.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 441, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 97

Noes: Adams, Kasten, Mr. Speaker.



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 457, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Balyeat, Bixby, Eggers, Jackson, Juneau, Laible, Vick.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 514, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 85

Noes: Adams, Balyeat, Cyr, Davies, Fuchs, Golie, Jayne, Kasten, Laszloffy, Newman, Pattison, Rome, Vick, Waitschies, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Total 0

**SJR 21** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Devlin, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 70

Noes: Adams, Balyeat, Bixby, R. Brown, Buzzas, Clancy, Curtiss, Davies, Dell, Eggers, Fisher, Gallik, Galvin-Halcro, Golie, Gutsche, Jackson, Juneau, Kasten, Keane, Laible, Laszloffy, Lee, Lewis, Mangan, Newman, K. Peterson, Tramelli, Tropila, Vick, Mr. Speaker.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 22** concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 74

Noes: Adams, Balyeat, R. Brown, Curtiss, Davies, Esp, Fisher, Himmelberger, Kasten, Laible, Laszloffy, Lewis, McKenney, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Wolery, Mr. Speaker.

Total 24

Excused: None.

Total 0

Absent or not voting: Schrumpf, Witt.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/19/2001

Correctly enrolled: **HB 3, HB 4, HB 6, HB 9, HB 11, HB 13, HB 69, HB 154, HB 172, HB 459, HB 516, HB 619,**

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**HB 628, HJR 2, HJR 19, HJR 35, HJR 37, HJR 39, HJR 41.**

Examined by the sponsor and found to be correct: **HB 3, HB 4, HB 6, HB 9, HB 11, HB 13, HB 69, HB 154, HB 172, HB 516, HB 619, HB 628, HJR 2, HJR 19, HJR 35, HJR 37, HJR 39, HJR 41.**

Delivered to the Governor for approval at 2:40 p.m., April 19, 2001: **HB 46, HB 125, HB 156, HB 166, HB 210, HB 249, HB 265, HB 279, HB 317, HB 331, HB 349, HB 434, HB 577, HB 610, HB 615, HB 639.**

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 645  
Report No. 1, April 19, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 645**, met April 19, 2001, and considered:

1. Senate Committee on Energy and Telecommunications amendments to third reading copy, dated April 6, 2001.

We recommend that **House Bill 645** (reference copy – salmon) be amended as follows:

1. Title, line 11.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 1, line 19.

**Following:** "."

**Insert:** "The electrical energy pool must be administered by a public utility that has filed a transition plan with the commission."

3. Page 1, line 28.

**Strike:** "OF"

**Insert:** "by"

4. Page 2, line 1.

**Following:** "RATES"

**Insert:** "or rates under another class"

5. Page 2, line 23.

**Following:** " "

**Insert:** "A customer receiving electrical energy from the electrical energy pool and providing onsite generation may not use the energy received from the pool to augment or supplement off-system sales of the electrical energy generated at the site."

6. Page 3, line 3.

**Following:** "COST"

**Insert:** ", but may take into account existing rate classes"

7. Page 3, line 9.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Following:** line 8

**Insert:** "(12) The default supplier is the successor in interest to the electrical energy pool. The default supplier may allocate any electrical energy or cash remaining in the electrical energy pool on June 30, 2002, among its customers.

(13) As used in this section, "conservation efforts" means demand reductions on the utility system achieved by the contracting customer through improving efficiency or reducing energy use. The term does not include shifting demand from the utility to a nonutility supply source."

8. Page 3, line 19.

**Insert:** "NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2002."

For the House:

Mood, Chairman  
R. Brown  
Dell

For the Senate:

McNutt, Chairman  
Ellis  
Ryan

**MESSAGES FROM THE GOVERNOR**

April 19, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker McGee and President Beck:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 247, "**AN ACT REDUCING THE FEE IN LIEU OF TAX ON HEAVY VEHICLES BY 50 PERCENT OVER A 3-YEAR PERIOD; PROVIDING A REIMBURSEMENT TO LOCAL GOVERNMENTS FOR LOSS OF REVENUE; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 61-3-529, MCA; AND PROVIDING EFFECTIVE DATES AND TERMINATION DATES.**," for the following reasons.

I have no objection to the premise of HB 247 or with its specific measures. I have been advised, however, that the bill creates an inadvertent offset of 6 months between the calendar years that dictate the reimbursement schedule in the bill and the fiscal years under which the Department of Revenue actually assesses and collects the tax. It is my understanding that, in the absence of an amendment, the current language will result in local governments receiving more than was intended in the way of reimbursements, at additional cost to the general fund.

Accordingly, I have attached my amendments to make the necessary adjustment in the reimbursement schedule and

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

amounts. Representative Lewis, the sponsor of the bill, is aware of and agrees with my recommendation.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 247

1. Title, line 7

**Strike:** "3-YEAR"

**Insert:** "DESIGNATED"

2. Page 7, line 15

**Following:** "equal to"

**Insert:** "one-half"

3. Page 7, line 17

**Following:** "is"

**Strike:** "double"

**Insert:** "three times"

4. Page 7, line 18

**Following:** "2005"

**Strike:** "and for each succeeding fiscal year"

5. Page 7, line 18

**Following:** "is"

**Strike:** "triple"

**Insert:** "five times"

6. Page 7, line 20

**Insert:** "(d) For fiscal year 2006 and for each succeeding fiscal year, the reimbursement is six times the amount calculated in subsection (3)(a)."

7. Page 7, line 20

**Following:** "on"

**Strike:** "a"

**Insert:** "the following"

8. Page 7, line 21

**Following:** "quarterly"

**Strike:** "basis."

**Insert:** "schedule:"

9. Page 7, line 22

**Insert:** "(a) For fiscal 2003, the quarterly payments will be paid on or before March 31, 2003, and June 30, 2003."

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(b) For fiscal 2004, and each succeeding fiscal year, the quarterly payments will be paid on or before September 30, December 31, March 31, and June 30 of each year."

**MOTIONS**

Representative Mangan requested on the free conference committee to **HB 605**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Raser requested on the free conference committee to **HB 543**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Laslovich requested on the conference committee to **SB 48**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Ripley requested on the conference committee to **SB 457**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Davies requested on the conference committee to **SB 48**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Gallik requested on the conference committee to **SB 48**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Sliter requested on the free conference committee to **SB 327**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Newman moved that the House reconsider its action on **SB 338** and that it be rereferred to a free conference committee. Motion failed as follows:

Ayes: Bixby, Branae, Brueggeman, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Schmidt, Sliter, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: Buzzas, Thomas.

Total 2

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Representative Somerville moved that the House reconsider its action on **HB 142** and that it be rereferred to a free conference committee.

Representative Gallus moved for cloture. Motion carried.

Motion to reconsider **HB 142** and that it be rereferred to a free conference committee carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Younkin.

Total 80

Noes: Adams, Balyeat, Davies, Devlin, Eggers, Erickson, Fisher, Golie, Juneau, Laszloffy, Olson, Pattison, K. Peterson, Rice, Tramelli, Vick, Waitschies, Wolery, Mr. Speaker.

Total 19

Excused: None.

Total 0

Absent or not voting: Thomas.

Total 1

Representative Sliter moved that the conference committee on **HB 142** be dissolved and that the Speaker be authorized to appoint a free conference committee to meet with a like committee in the Senate on **HB 142**. Motion carried.

The Speaker appointed the following members:

Representative Fuchs, Chairman  
Representative Laszloffy  
Representative P. Clark

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 1:02 p.m.

House reconvened at 3:00 p.m. All members present, except Representative Thomas, excused. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Schmidt in the chair.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 41 - Free Conference Committee Report No. 1** - Representative Witt moved the Free Conference Committee report to **HB 41** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Curtiss, Eggers, Erickson, Fritz, Jayne, Tramelli, Wanzenried.

Total 7

Voted Absentee: Thomas, Aye.

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**HB 124 - Free Conference Committee Report No. 1** - Representative Story moved the Free Conference Committee report to **HB 124** be adopted. Motion carried as follows:

Ayes: Andersen, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Cyr, Dale, Dell, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lewis, Mangan, Matthews, Mood, Newman, Noennig, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.

Total 66

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Carney, P. Clark, Curtiss, Davies, Devlin, Eggers, Fisher, Forrester, Fuchs, Holden, Jackson, Jent, Laszloffy, Lawson, Lenhart, Lindeen, Masolo, McCann, McKenney, Musgrove, Olson, Shockley, Sliter, Smith, Somerville, Vick, Wolery, Younkin.

Total 34

Voted Absentee: Thomas, Aye.

Excused: None.

Total 0



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Absent or not voting: None.  
Total 0

**HB 146 - Free Conference Committee Report No. 1** - Representative Noennig moved the Free Conference Committee report to **HB 146** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Bixby, Jayne.  
Total 2

Voted Absentee: Thomas, Aye.

Excused: None.  
Total 0

Absent or not voting: Keane, Mangan.  
Total 2

**HB 573 - Free Conference Committee Report No. 1** - Representative Bales moved the Free Conference Committee report to **HB 573** be adopted.

Representative Adams moved for cloture. Motion carried.

Motion that the free conference committee report to **HB 573** be adopted carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Voted Absentee: Thomas, Aye.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 600 - Free Conference Committee Report No. 1** - Representative Story moved the Free Conference Committee report to **HB 600** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Bixby, Buzzas, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Hurdle, Jent, Juneau, Kaufmann, Lee, Musgrove, Shockley, Smith, Tropila.  
Total 22

Voted Absentee: Thomas, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 19 - Free Conference Committee Report No. 1** - Representative R. Brown moved the Free Conference Committee report to **SB 19** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Erickson, Gallik, Harris, Hurdle, Lee.  
Total 5

Voted Absentee: Thomas, Aye.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 625 - Conference Committee Report No. 1** - Representative Musgrove moved the Conference Committee report to **HB 625** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Adams, Davies, Fisher, Vick, Walters.  
Total 5

Voted Absentee: Thomas, Aye.

Excused: None.  
Total 0

Absent or not voting: Mood.  
Total 1

**SB 386 - Free Conference Committee Report No. 1** - Representative Shockley moved the Free Conference Committee report to **SB 386** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Thomas, Aye.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Excused: None.  
Total 0

Absent or not voting: Mangan, Mr. Speaker.  
Total 2

**SB 521 - Free Conference Committee Report No. 1** - Representative Mood moved the Free Conference Committee report to **SB 521** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Buzzas, P. Clark, Harris, Hurdle, Jayne, Kaufmann, Vick.  
Total 7

Voted Absentee: Thomas, Aye.

Excused: None.  
Total 0

Absent or not voting: Davies, Lenhart, Pattison.  
Total 3

**SB 494 - Governor's Amendments** - Representative Somerville moved Governor's amendments to **SB 494** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Fisher, Fuchs, Haines, Hedges, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Voted Absentee: Thomas, Aye.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 66

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Newman, Raser, Tramelli, Wanzenried.  
Total 32

Excused: Thomas.  
Total 1

Absent or not voting: Schmidt.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/19/2001

Examined by the sponsor and found to be correct: **HB 459.**

Signed by the Speaker at 3:24 p.m., April 19, 2001: **HB 473.**

Signed by the Speaker at 4:15 p.m., April 19, 2001: **HB 3, HB 4, HB 6, HB 9, HB 11, HB 13, HB 69, HB 154, HB 172, HB 516, HB 619, HB 628, HJR 2, HJR 19, HJR 35, HJR 37, HJR 39, HJR 41.**

Signed by the Speaker at 4:30 p.m., April 19, 2001: **HB 313, HB 320, HB 334, HB 345, HB 382, HB 395, HB 397, HB 403, HB 409, HB 437, HB 442, HB 452, HB 454, HB 463, HB 469, HB 491, HB 492, HB 496, HB 499.**

Signed by the Speaker at 4:40 p.m., April 19, 2001: **HB 42, HB 73, HB 116, HB 120, HB 121, HB 144, HB 151, HB 165, HB 179, HB 230, HB 254, HB 295.**

Signed by the Speaker at 4:45 p.m., April 19, 2001: **HB 57, HB 273, HB 495, HB 521, HB 531, HB 583, HB 589.**

Signed by the Speaker at 4:50 p.m., April 19, 2001: **HB 256, HB 340, HB 399, HB 418, HB 500, HJR 1, HJR 13, HJR 31.**

Signed by the Speaker at 5:00 p.m., April 19, 2001: **HB 459, HB 502, HB 517, HB 526, HB 539, HB 552, HB 560, HB 563, HB 569, HB 570, HB 578, HB 620, HB 623, HB 643.**

Delivered to the Governor for approval at 4:00 p.m., April 19, 2001: **HB 473.**

Delivered to the Governor for approval at 5:10 p.m., April 19, 2001: **HB 459.**

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 176  
Report No. 1, April 19, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 176** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 176** (reference copy – salmon) be amended as follows:

1. Title, line 28.

**Following:** "PROVIDING"

**Strike:** "AN"

**Following:** "EFFECTIVE"

**Strike:** "DATE"

**Insert:** "DATES"

2. Page 34, line 26.

**Following:** "Repealer."

**Insert:** "(1)"

**Strike:** "3-5-404,"

3. Page 34, line 28.

**Insert:** "(2) Section 3-5-404, MCA, is repealed."

4. Page 35, line 26.

**Insert:** "(5) If Senate Bill No. 386 and [this act] are both passed and approved, then 52-5-109(1) in Senate Bill No. 386 is amended to read:

"(1) The expenses of committing a youth to the department or to the youth court must be borne by the committing youth court.""

5. Page 36, line 14.

**Strike:** "2001"

**Insert:** "2002"

6. Page 36, line 15.

**Strike:** "2001"

**Insert:** "2002"

7. Page 36, line 20.

**Strike:** "2001"

**Insert:** "2002"

8. Page 36, line 22.

**Strike:** "2001"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert:** "2002"

9. Page 36, line 23.

**Strike:** "2001"

**Insert:** "2002"

10. Page 36, line 28.

**Strike:** "2001"

**Insert:** "2002"

11. Page 37, line 9.

**Strike:** in two places "2001"

**Insert:** "2002"

12. Page 37, line 27.

**Strike:** "**2002**"

**Insert:** "**2003**"

13. Page 37, line 29.

**Strike:** "2002"

**Insert:** "2003"

14. Page 37, line 30.

**Strike:** "2002"

**Insert:** "2003"

15. Page 38, line 2.

**Strike:** "2001"

**Insert:** "2002"

16. Page 38, line 4.

**Strike:** "2002"

**Insert:** "2003"

17. Page 38, line 11.

**Strike:** "2002"

**Insert:** "2003"

18. Page 38, line 17.

**Following:** "fiscal"

**Strike:** "years 2002 and"

**Insert:** "year"

19. Page 39, line 12.

**Following:** "**Effective**"

**Strike:** "date"

**Insert:** "dates"

**Following:** "."

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Strike:** "[This act] is effective July 1, 2001."

**Insert:** "(1) [Sections 21, 52(2), 53 through 55, 64, and 65 and this section] are effective on passage and approval.

(2) [Sections 1, 4 through 8, and 62] are effective July 1, 2001.

(3) [Sections 2, 3, 9 through 20, 22 through 51, 52(1), and 56 through 61] are effective July 1, 2002."

20. Page 39, line 15.

**Strike:** "2002"

**Insert:** "2003"

For the Senate:

Grosfield, Chairman

Halligan

McNutt

For the House:

Witt, Chairman

Erickson

Esp

FREE CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 242  
Report No. 2, April 19, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 242** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 242** (reference copy – salmon) be amended as follows:

1. Title, line 7.

**Following:** "~~COUNTY~~;"

**Insert:** "PROVIDING THAT THE COUNTY JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE MAY BE AN AREA LESS THAN THE ENTIRE COUNTY;"

2. Title, line 9.

**Following:** "PROCEDURE;"

**Insert:** "SUPERSEDING THE UNFUNDED MANDATE LAWS;"

3. Title, line 9.

**Following:** "SECTIONS"

**Insert:** "13-19-106,"

**Following:** "50-60-101"

**Insert:** ","

**Following:** "~~AN~~"

**Insert:** "AN IMMEDIATE EFFECTIVE DATE AND"

4. Page 1.

**Following:** line 13

**Insert:** "**Section 1.** Section 13-19-106, MCA, is amended to read:

**"13-19-106. General requirements for mail ballot election -- exception for county building code**



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**jurisdiction election.** A mail ballot election must be conducted substantially as follows:

(1) Official ballots must be prepared and all other initial procedures followed as otherwise provided by law, except that mail ballots are not required to have stubs.

(2) (a) Except as provided in subsection (2)(b), an ~~An~~ official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

(b) In an election to determine whether to adopt a building code enforcement program within a county jurisdictional area, as defined in 50-60-101 and designated by a board of county commissioners pursuant to [section 4], an official ballot must be mailed to every record owner of real property in the county jurisdictional area.

(3) Each return/verification envelope must contain a form prescribed by the secretary of state for the elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct mailing address and to return the corrected address with the voted ballot in the manner provided by 13-19-306.

(4) The elector shall mark the ballot at home and place it in a secrecy envelope.

(5) The elector shall then place the secrecy envelope containing the elector's ballot in a return/verification envelope and shall return it by mailing it or delivering it in person to a place of deposit designated by the election administrator so that it is received before a specified time on election day.

(6) Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it is submitted by a qualified elector who has not previously voted.

(7) If the ballot qualifies and is otherwise valid, officials shall then open the return/verification envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official ballot box.

(8) After the close of polls on election day, voted ballots must be counted and canvassed as otherwise provided by law.""

**Renumber:** subsequent sections

5. Page 2, line 4.

**Following:** "~~50-60-302~~"

**Insert:** "or an area or areas within the county, designated by the board of county commissioners as subject to the county building code,"

6. Page 4, line 24 through line 26.

**Strike:** "subsection (c)" in its entirety

**Renumber:** subsequent subsections

7. Page 5, line 7.

**Strike:** "40%"

**Insert:** "10%"

8. Page 5, line 7 through line 8.

**Strike:** "FOR WHICH A RETURN RECEIPT WAS RECEIVED AS PROVIDED IN SUBSECTION (1)(C)"

**Insert:** "in the proposed area"

9. Page 5, line 9.

**Following:** "CODE"

**Insert:** "without submitting to an election, as provided in [section 6], the question of adoption of the code enforcement program as approved by the department of commerce"

10. Page 5.

**Following:** line 9

**Insert:** "NEW SECTION. Section 5. Approval by department of commerce of code enforcement program. After

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

completion of the public hearing required by [section 4] and receipt of any written protests within the time period provided by the notice required in that section, the board of county commissioners may submit a proposed code enforcement program for that jurisdictional area to the department of commerce for approval. The department shall approve the program if it satisfies the criteria provided in 50-60-302. Upon approval by the department of the proposed code enforcement program, the board of county commissioners shall file with the county clerk and recorder a copy of the approved program and a map showing the county jurisdictional area as designated by the county commission."

**Insert: "NEW SECTION. Section 6. Election on question of adoption of code enforcement program.** (1) After approval of the proposed code enforcement program by the department, the board of county commissioners shall submit the question of whether to adopt the code enforcement program within the county jurisdictional area designated by the county commission to the record owners of real property located within the designated area if 10% or more of the record property owners within the area have submitted written protests to the board pursuant to [section 4]. The election must be a special mail ballot election as defined in 13-19-102.

(2) The election must be initiated by the board of county commissioners by a resolution of the board pursuant to 13-19-202 directed to the county election administrator and must be conducted in accordance with Title 13, chapter 19. If a majority of the electors who return the mail ballot vote in favor of the code enforcement program, the code enforcement program within the jurisdictional area designated by the board of county commissioners is effective 60 days after the day the county board of canvassers declares the results of the election.

(3) (a) Except as provided in this subsection, a building code adopted as part of a code enforcement program approved by the electors may not be modified without submission of the modification to the electors as provided in this section.

(b) A building code may be modified without submitting the modification to the electors if:

(i) the modification consists of a provision taken from a uniform or model building code; and

(ii) the provision does not regulate a wholly new component of a structure, such as wiring, plumbing, or concrete foundation, that was previously unregulated."

**Insert: "NEW SECTION. Section 7. Petition for designation of county jurisdictional area and adoption of building code.** (1) A county jurisdictional area and a building code applicable to that area may be adopted by petition as provided in this section.

(2) A petition may be circulated by the record owner of real property to which the county jurisdictional area will be applied or extended for the purpose of gathering signatures on the petition. Only a record owner of real estate within the proposed county jurisdictional area is qualified to sign a petition.

(3) A petition to designate a county jurisdictional area may also be circulated by the board of county commissioners. A petition circulated by the board of county commissioners is not subject to the requirements of [section 4].

(4) Before a petition may be circulated for signatures, the language of the proposed building code must be approved by the department of commerce and the form of the petition must be approved by the election administrator of the county in which the real property is located. A building code proposed pursuant to this section must be approved by the department of commerce if it meets the criteria provided in 50-60-302 for the approval of a code within a code enforcement program. The election administrator shall approve the form of the petition if the petition meets, and the election administrator shall comply with, the requirements of 7-5-134, 7-5-135, and this section, except that:

(a) the number of valid signatures required for the creation or extension of the county jurisdictional area is a majority of the record owners of real property located within the proposed jurisdictional area; and

(b) a petition containing the number of valid signatures required by this section is not submitted to a vote by electors.

(5) An individual circulating a petition for signatures must make available to individuals who may sign the petition a copy of the building code approved by the department of commerce and a map showing the county jurisdictional area within which the code will apply. The petition must clearly indicate that the individual signing the petition read and understood the provisions of the code and understood the geographic area in which the code would be applied.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

(6) The county jurisdictional area and the building code applicable to that area become effective 60 days after the determination by the county election administrator that the petition has been signed by the number of record owners of real property required by this section.

(7) (a) Except as provided in this subsection, once adopted by petition as provided in this section, a county building code may not be amended except by petition in accordance with this section or by submitting the modification to the electors as provided in [section 6].

(b) A county building code adopted by petition may be modified without petition or election if:

(i) the modification consists of a provision taken from a uniform or model building code; and

(ii) the provision does not regulate a wholly new component of a structure, such as wiring, plumbing, or concrete foundation, that was previously unregulated."

**Insert: "NEW SECTION. Section 8. Special election required -- notice -- termination of certain municipal jurisdictional areas.** (1) No later than December 31, 2001, the county commissioners of a county in which a municipal jurisdictional area, as defined in 50-60-101, has been established beyond the corporate limits of a municipality before [the effective date of this act] shall submit the question of the continuation of the jurisdictional area beyond the corporate limits of the municipality to a vote by the record owners of real property within the jurisdictional area beyond those limits. The election required by this section must be a special election conducted by mail ballot election as defined in 13-19-102.

(2) The election required by subsection (1) must be initiated by the board of county commissioners by a resolution of the board pursuant to 13-19-202 directed to the county election administrator. The election must be conducted in accordance with Title 13, chapter 19, except to the extent that those provisions conflict with the provisions of this section, in which case the provisions of this section apply.

(3) Notice of the election must be given by the county election administrator by publishing a notice at least once in a newspaper of general circulation in the county in which the election is held. The notice must be published at least 15 days before and no more than 45 days before the election is to be held. The notice must contain a clear synopsis of the building code then in effect within the municipal jurisdictional area beyond the corporate limits of the municipality, a description or map of the area outside the corporate limits of the municipality to which that code applies, the fees charged for permits issued for that area, and the effect of a majority vote for and a majority vote against continuation of the municipal jurisdictional area beyond the corporate limits of the municipality.

(4) If a majority of those persons returning the mail ballots vote in favor of retention of the municipal jurisdictional area beyond the corporate limits of the municipality, the area must continue in existence as provided in law. If a majority of those persons returning the ballots vote against retention of the municipal jurisdictional area beyond the corporate limits of the municipality, that area is terminated on the day on which the board of county canvassers declares the results of the election.

(5) If a municipal jurisdictional area beyond the corporate limits of a municipality is terminated pursuant to this section, the following provisions apply to that area on and after the date of termination:

(a) A building permit issued by a municipality before the termination of the area is valid and enforceable by the municipality issuing the permit.

(b) A building permit may not be issued for the area.

(c) A municipality may not request and the department of commerce may not approve the creation of a municipal jurisdictional area beyond the corporate limits of the municipality.

(6) This section does not apply to county jurisdictional areas designated pursuant to [section 4]."

**Insert: "NEW SECTION. Section 9. Unfunded mandate laws superseded.** The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116."

**Renumber:** subsequent sections

11. Page 5, line 11.

**Strike:** "[Section 3] is"

**Insert:** "[Sections 3 through 9] are"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

12. Page 5, line 13.

**Strike:** "[section 3]"

**Insert:** "[sections 3 through 9]"

13. Page 5.

**Following:** line 13

**Insert:** "NEW SECTION. Section 11. Effective date. [This act] is effective on passage and approval."

**Renumber:** subsequent section

14. Page 5, line 15.

**Strike:** "[This act] applies"

**Insert:** "[Sections 2(12) and 8] apply"

15. Page 5, line 18.

**Strike:** "THE EXTENSION OF THE"

**Insert:** "a"

16. Page 5, line 18 through line 20.

**Strike:** "FOR BUILDING" on line 18 through "MUNICIPALITY" on line 20

**Insert:** "as defined in 50-60-101 created before [the effective date of this act]"

For the Senate:

Miller, Chairman  
O'Neil

For the House:

Haines, Chairman  
Bookout-Reinicke

FREE CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 432  
Report No. 2, April 19, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 432** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 432** (reference copy – salmon) be amended as follows:

1. Page 2, line 19.

**Following:** "department"

**Insert:** "following a review of the plans and specifications of the infrastructure by the architecture and engineering division of the department of administration"

2. Page 2, line 20.

**Following:** "not"

**Insert:** ", with the exception of Title 18, chapter 2, part 4,"

3. Page 3, line 18.

**Strike:** "AND FIXTURES"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

For the Senate:

Bohlinger, Chairman  
Harrington  
Taylor

For the House:

McKenney, Chairman  
Whitaker

FREE CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 506  
Report No. 1, April 19, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 506** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 506** (reference copy – salmon) be amended as follows:

1. Title, line 9.

**Following:** "ON"

**Strike:** "LARGE"

**Insert:** "SMALL"

2. Title, following line 12.

**Insert:** "ALLOWING A CONDITIONAL TAX CREDIT FOR WIND ENERGY PRODUCED ON STATE LAND;  
ALLOWING AN ELECTRICITY BUYING COOPERATIVE TO SUPPLY OR PROMOTE ALTERNATIVE  
ENERGY;"

3. Title, line 14.

**Following:** "~~15-72-106~~;"

**Insert:** "15-32-403, 15-72-104,"

4. Title, line 15.

**Following:** "30-16-103,"

**Insert:** "35-19-104,"

5. Title, line 17.

**Following:** "PROVIDING"

**Strike:** "AN"

**Following:** "EFFECTIVE"

**Strike:** "DATE"

**Insert:** "DATES"

6. Page 2, line 16.

**Strike:** "5%"

**Insert:** "10%"

7. Page 6, line 24.

**Strike:** "act"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert:** "section"

8. Page 6, line 25.

**Following:** "A"

**Insert:** "nameplate"

**Following:** "OF"

**Strike:** "more"

**Insert:** "less"

9. Page 6, line 26.

**Following:** "for"

**Strike:** "ONLY"

**Following:** "after"

**Strike:** "commercial"

**Insert:** "the"

10. Page 6, line 28.

**Strike:** "physically connected"

11. Page 6, line 29.

**Following:** "equipment"

**Strike:** "that" through "generator"

**Insert:** "that are normally operated together to produce electric power"

12. Page 7, lines 3 and 4.

**Following:** "~~fuel~~" on line 3

**Strike:** remainder of line 3 through "WIND" on line 4

**Insert:** "an alternative renewable energy source, as defined in 90-4-102"

13. Page 7, line 23.

**Following:** "production of"

**Insert:** "electrical"

**Following:** "energy"

**Insert:** "in an amount of 1 megawatt or more"

14. Page 9, line 2.

**Following:** "cells"

**Insert:** "that do not require hydrocarbon fuel"

15. Page 10, line 13.

**Following:** "cells"

**Insert:** "that do not require hydrocarbon fuel"

16. Page 10, line 17.

**Following:** "area"

**Strike:** remainder of line 17 through "electricity"

17. Page 11, line 13.

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Following:** "for"

**Strike:** "all or a portion"

**Insert:** "25%"

**Following:** "in"

**Insert:** "the physical attributes of"

18. Page 11, line 14.

**Following:** "building"

**Insert:** "or the installation of a water, heating, or cooling system in the building, so long as either type of investment is"

**Following:** "purpose"

**Insert:** ", "

19. Page 11, line 20.

**Following:** "\$1,500"

**Strike:** "\$900"

**Insert:** "\$500"

20. Page 12, line 6.

**Following:** "\$5,000"

**Strike:** "\$2,000"

**Insert:** "\$1,500"

21. Page 13, line 2.

**Following:** "\$5,000"

**Strike:** "\$2,000"

**Insert:** "\$500"

22. Page 13, line 10.

**Following:** "exceed"

**Strike:** "\$750"

**Insert:** "\$500"

23. Page 14, line 5.

**Following:** "an"

**Strike:** "alternative energy system, as defined in 15-32-102"

**Insert:** "alternative renewable energy source, as defined in 90-4-102"

24. Page 14, line 26.

**"Section 15.** Section 15-32-403, MCA, is amended to read:

**"15-32-403. Limitation on credit.** (1) ~~Whenever~~ Except as provided in subsection (2), whenever any federal wind energy tax credits for a system that generates electricity by means of wind power are allowed or allowable under section 48(a) of the Internal Revenue Code (26 U.S.C. 48(a)) or any other federal law, the state credit allowed by 15-32-402 must be reduced by the amount of federal credits so that the effective credit does not exceed 60% of the eligible costs.

(2) An individual, corporation, partnership, or small business corporation, as defined in 15-31-201, is exempt from the provisions of subsection (1) of this section if the individual, corporation, partnership, or small business

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

corporation:

(a) invests in a commercial system located on state trust land;

(b) signs a lease agreement with the state to make annual lease payments to the permanent school trust fund;

and

(c) offers contracts with a duration of at least 5 years to sell at least 33% of that commercial system's net generating output at the cost of production plus a rate of return not to exceed 12%.

(3) The cost of production must be determined by dividing the cost and operation of the commercial system over an appropriate time period by the kilowatt-hour output of the system."

**Insert: "Section 16.** Section 15-72-104, MCA, is amended to read:

**"15-72-104. Wholesale energy transaction tax -- rate of tax -- exemptions -- cost recovery.** (1) (a) Except as provided in subsection (3), a wholesale energy transaction tax is imposed upon electricity transmitted within the state as provided in this section. The tax is imposed at a rate of 0.015 cent per kilowatt hour of electricity transmitted by a transmission services provider in the state.

(b) For electricity produced in the state for delivery outside of the state, the taxpayer is the person owning or operating the electrical generation facility producing the electricity. The transmission services provider shall collect the tax from the person based upon the kilowatt hours introduced onto transmission lines from the electrical generation facility. The amount of kilowatt hours subject to tax must be reduced by 5% to compensate for transmission line losses.

(c) For electricity produced in the state for delivery within the state, the taxpayer is the distribution services provider. The transmission services provider shall collect the tax based upon the amount of kilowatt hours of electricity delivered to the distribution services provider. The taxpayer may apply for a refund for overpayment of taxes pursuant to 15-72-116.

(d) For electricity produced outside the state for delivery inside the state, the taxpayer is the distribution services provider. The transmission services provider shall collect the tax based upon the amount of kilowatt hours of electricity delivered to the distribution services provider.

(e) For electricity delivered to a distribution services provider that is a rural electric cooperative for delivery to purchasers that have opted for customer choice under the provisions of Title 69, chapter 8, part 3, the taxpayer is the distribution services provider. The transmission services provider shall collect the tax based on the amount of kilowatt hours of electricity delivered to the distribution services provider that is attributable to customers that have opted for customer choice.

(f) For electricity delivered to a distribution services provider that prior to May 2, 1999, was owned by a public utility as defined in 69-3-101, the tax is imposed on the successor distribution services provider. The transmission services provider shall collect the tax based upon the amount of kilowatt hours of electricity delivered to the distribution services provider.

(2) (a) If more than one transmission services provider transmits electricity, the last transmission services provider transmitting or delivering the electricity shall collect the tax.

(b) If the transmission services provider is an agency of the United States government, the distribution services provider receiving the electricity shall self-assess the tax subject to the provisions of this part.

(c) If an electrical generation facility located within the state produces electricity for sale inside and outside the state, sales within the state are considered to have come from electricity produced within the state for purposes of the tax imposed by this section.

(3) (a) Electricity transmitted through the state that is not produced or delivered in the state is exempt from the tax imposed by this section.

(b) Electricity produced in the state by an agency of the of the United States government for delivery outside of the state is exempt from the tax imposed by this section.

(c) Electricity produced by wind turbines erected on state land for which annual lease payments are made to the permanent school trust fund is exempt from the tax imposed by this section.

~~(d)~~ (d) Electricity delivered to a distribution services provider that is a municipal utility described in 69-8-103(5)(b) or a rural electric cooperative organized under the provisions of Title 35, chapter 18, is exempt from



HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

the tax imposed by this section.

~~(d)(e)~~ Electricity delivered to a purchaser that receives its power directly from a transmission or distribution facility owned by an entity of the United States government on or before May 2, 1997, or electricity that is transmitted exclusively on transmission or distribution facilities owned by an entity of the United States government on or before May 2, 1997, is exempt from the tax imposed by this section.

~~(e)(f)~~ Electricity delivered by a distribution services provider to a customer with loads of 1,000 kilowatts or greater that was first served by a public utility after December 31, 1996, is exempt from the tax imposed by this section, provided that the customer purchases the electricity pursuant to a contract or contracts that establish the purchase price or prices of electricity. The exemption allowed by this subsection ~~(3)(e)~~ (3)(f) does not apply to electricity purchased under a renewal or extension of an existing contract or existing contracts.]

(4) A distribution services provider is allowed to recover the tax imposed by this section and the administrative costs to comply with this part in its rates. (Bracketed language terminates January 1, 2003--sec. 40, Ch. 556, L. 1999.)""

25. Page 18, line 28.

**Insert:** "Section 20. Section 35-19-104, MCA, is amended to read:

**"35-19-104. Permissible purpose of incorporation.** A buying cooperative may be organized under this chapter only for the purpose of supplying electricity to small customers as a default supplier, pursuant to 69-8-403, and for serving as a supplier or promoter of alternative energy and conservation programs."

**Renumber:** subsequent sections

26. Page 27, line 5.

**Following:** "cells"

**Insert:** "that do not require hydrocarbon fuel"

27. Page 31, line 22.

**Insert:** "NEW SECTION. Section 28. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

28. Page 31, line 23.

**Following:** "Effective"

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

**Following:** line 23

**Insert:** "(2) [Sections 1 through 3, 21, 22, and 27 and this section] are effective on passage and approval."

For the Senate:

Cole, Chairman  
DePratu  
Halligan

For the House:

Story, Chairman  
Devlin  
Forrester

FREE CONFERENCE COMMITTEE  
on House Amendments to Senate Bill 512

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

Report No. 1, April 19, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 512** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 512** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 6 through line 14.

**Strike:** "CREATING" on line 6 through "MCA;" on line 14

2. Title, page 1, line 14.

**Strike:** "IMMEDIATE"

3. Page 1, line 19 through page 2, line 16.

**Strike:** section 1 in its entirety

**"NEW SECTION. Section 1. Electrical energy excess revenue tax -- rate of tax -- legislative review. (1)**

There is a tax imposed on a person generating electrical energy in Montana as provided in [sections 1 through 10].

(2) The tax is measured by excess revenue derived from the sale of electrical energy. Excess revenue is determined from the sale of electrical energy at a price greater than \$0.045 per kilowatt hour. The tax rate is 90% of the excess revenue.

(3) For the purposes of this section, the following definitions apply:

(a) "Arm's-length sale" means an agreement between independent parties with opposing economic interests in the sale and no business relationships other than the agreement. An arm's-length sale is a sale for an amount of electrical energy generated and sold at a single price pursuant to a single contract or a sale on the open market.

(b) "Sales price" means the total value of all consideration received by the taxpayer for an arm's-length sale of electrical energy divided by the kilowatt hours sold. If the sale of electrical energy is other than an arm's-length sale, the sales price must be imputed as provided in subsection (4) and equals the daily weighted average mid-Columbia price for firm, on-peak electricity as reported in the Wall Street Journal on the day of the sale.

(4) The department shall impute the sales price for electrical energy under the following conditions:

(a) the sale is not an arm's-length sale;

(b) the sale is a nonmonetary sale;

(c) the sale is made to fulfill a contractual obligation of an affiliated business entity.

(5) The proceeds of the tax imposed under [sections 1 through 10] must be deposited in the state general fund.

(6) The department may request assistance from the public service commission in analyzing data necessary to calculate the electrical energy excess revenue tax.

(7) The interim revenue and transportation committee shall review the tax rate imposed in subsection (2) for reasonableness and adequacy and report its findings, including whether it would be appropriate to revise the rate schedule, to the 58th legislature."

4. Page 2, line 20.

**Strike:** "facility"

**Insert:** "unit"

5. Page 2, line 20 and line 21.

**Strike:** "[" on line 20 through "]" on line 21

**Insert:** "April 30, 2001"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

6. Page 2, line 23.

**Following:** "generated"

**Insert:** "in a month"

7. Page 2, line 25 and line 26.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

8. Page 2, line 30 through page 3, line 1.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

9. Page 3, line 3.

**Strike:** "; and"

**Insert:** "."

10. Page 3, line 4 through line 5.

**Strike:** subsection (7) in its entirety

11. Page 6, line 20 through page 9, line 15.

**Strike:** section 11 through section 13 in their entirety

**Renumber:** subsequent sections

12. Page 9, line 17.

**Strike:** "(1)"

13. Page 9, line 18.

**Strike:** the first "chapter 72," and the second ", chapter 72,"

14. Page 9, line 20 through line 21.

**Strike:** subsection (2) in its entirety

15. Page 9.

**Following:** line 21

**Insert:** "NEW SECTION. Section 12. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

16. Page 9, line 23.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2001"

17. Page 9, line 25.

**Following:** "Applicability."

**Insert:** "(1)"

18. Page 9, line 26.

**Strike:** "May 31"

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

**Insert:** "June 30"

19. Page 9.

**Following:** line 26

**Insert:** "(2) [This act] applies to electrical energy sold under an existing contract or existing contracts and delivered after June 30, 2001, and to any contract occurring after June 30, 2001.

20. Page 9, line 28.

**Strike:** "-- contingency"

**Strike:** "on the earlier of"

21. Page 9, line 29.

**Strike:** "December 31, 2004"

**Insert:** "July 1, 2005"

22. Page 9, line 29 through page 10, line 2.

**Following:** "2004"

**Strike:** ", or" on page 9, line 29 through "certification" on page 10, line 2

For the Senate:

Cole, Chairman  
DePratu  
Halligan

For the House:

Story, Chairman  
Devlin

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House: 4/19/2001

**HB 14**, introduced by McCann

House joint resolution concurred in and returned to the House: 4/19/2001

**HJR 40**, introduced by Bixby

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/19/2001

**SB 82**, introduced by Keenan

**SB 274**, introduced by Keenan

Free conference committee report #1 adopted: 4/19/2001

**SB 441**, introduced by Christiaens

**MESSAGES FROM THE GOVERNOR**

April 19, 2001

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 261** sponsored by Representative Jent et al. and **House Bill 319** sponsored by Representative Galvin-Halcro et al. on April 19, 2001.

Sincerely,

JUDY MARTZ  
Governor

April 19, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 436, "**AN ACT REVISING SCHOOL DISTRICT OPERATING EXPENSE AND PURCHASING LAWS BY ALLOWING A DISTRICT TO MAKE TRANSFERS BETWEEN DIFFERENT FUNDS OR BETWEEN THE FINAL BUDGET AND A BUDGET AMENDMENT; PROHIBITING TRANSFERS FROM THE GENERAL FUND; AND AMENDING SECTIONS 20-9-133, 20-9-201, 20-9-208, AND 20-9-443, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

As you know, SB 436 expands the current authority of school districts to transfer between appropriation amounts within the same budgeted fund and would now allow for the transfer between budgeted (and non-budgeted) funds themselves. I am in full support of the idea of increasing the flexibility afforded to school districts in terms of their expenditures and budgets. I am, however, concerned that SB 436, in its present form, has the potential for allowing school districts to exceed general fund budget limits that are presently established in law.

Accordingly, I am recommending that Section 1 of the bill be amended to clarify that the "resulting budget" that constitutes the "final budget" under § 20-9-133, MCA does not include any budget authority transferred in from other funds under the other provisions of SB 436. This amendment will not preclude districts from availing themselves of

HOUSE JOURNAL  
EIGHTY-EIGHTH LEGISLATIVE DAY - APRIL 19, 2001

the flexibility afforded under SB 436 – districts will still be able to make transfers as contemplated under the bill. It will, however, ensure that any transfers of budget authority under SB 436 cannot be used to expand a district's general fund budget amount for any ensuing school fiscal year beyond what would otherwise be permitted by law.

Finally, my other proposed amendment simply clarifies that, like transfers *from* the general fund to another budgeted fund, transfers *to* the general fund are also prohibited unless otherwise authorized by SB 436 or another specific provision in Title 20, MCA. This will ensure that transfers both into and out of the general fund are addressed in a similar fashion.

The sponsor of SB 436, Senator Ellis, has been advised of my amendatory recommendations and has no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 436

1. Title, line 6

**Following:** "FROM"

**Insert:** "OR TO"

2. Page 1, lines 16 and 17

**Following:** second "budget"

**Strike:** "INCLUDING ANY BUDGET AUTHORITY TRANSFERRED IN FROM OTHER BUDGETED FUNDS IN COMPLIANCE WITH 20-9-208(2)."

3. Page 3, line 16

**Following:** second "fund"

**Insert:** "and transfers to the general fund from any other fund"

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:00 a.m., Friday, April 20, 2001. Motion carried.

House adjourned at 5:26 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 20, 2001

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Juneau, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eightieth, eighty-first, eighty-second, and eighty-third legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

Representative Jacobson led the House in singing Happy Birthday to Representative Erickson.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/20/2001  
Correctly enrolled: **HB 14, HB 118, HB 119, HB 214, HB 216, HB 266, HB 324, HB 543, HB 572, HB 603, HB 605, HJR 32, HJR 40.**

Signed by the Speaker at 9:52 a.m., April 20, 2001: **HB 14.**

Delivered to the Governor for approval at 10:10 a.m., April 20, 2001: **HB 33, HB 63, HB 87, HB 94, HB 186, HB 201, HB 218, HB 239, HB 353, HB 362, HB 368, HB 375, HB 381, HB 387, HB 390, HB 401, HB 405, HB 406, HB 412, HB 430, HB 455, HB 472, HB 498, HB 510, HB 564, HB 596.**

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on Senate Bill 508  
Report No. 1, April 19, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 508** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 508** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 8.

**Strike:** "75"

**Insert:** "50"

**Strike:** "FOR IN-STATE USE"

2. Title, page 1, line 11.

**Strike:** "INFRASTRUCTURE"

**Insert:** "GOVERNMENTAL UNITS"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

3. Title, page 1, line 12.

**Following:** " ; "

**Insert:** "PROVIDING FOR INTERLOCAL IMPACT AGREEMENTS;"

4. Title, line 12.

**Following:** "PROVIDING"

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

5. Page 1, line 17.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "An"

**Insert:** "Except as provided in subsections (1)(b) and (3), an"

6. Page 1, line 18.

**Following:** "act]"

**Insert:** "and before January 1, 2006,"

7. Page 1, line 22.

**Strike:** "75%"

**Insert:** "50%"

8. Page 1, line 23.

**Strike:** "for use within the state of Montana"

9. Page 1.

**Following:** line 24

**Insert:** "(b) The property tax exemption allowed under subsection (1)(a) is limited to a 5-year period for generation facilities powered by oil or gas turbines."

10. Page 1, line 25.

**Strike:** "75%"

**Insert:** "50%"

11. Page 1, line 26.

**Strike:** "Montana"

**Following:** "extending"

**Insert:** "5 years to"

**Following:** "facility,"

**Insert:** "as determined by the owner, surplus capacity must be offered on a declining contract term basis for the remainder of the contract period at a cost-based rate that includes a rate of return not to exceed 12%. Surplus capacity that is not contracted for in this fashion may be sold at market rates."

12. Page 1.

**Strike:** lines 27 and 28 in their entirety

13. Page 1, line 29.



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Strike:** "(3)(b)"

**Insert:** "(3)(c)"

**Following:** "operator"

**Insert:** "of property exempt from taxation under subsection (1)(a)"

14. Page 1, line 30.

**Strike:** "within the state"

15. Page 2.

**Following:** line 2

**Insert:** "(b) Except as provided in subsection (3)(c), if an owner or operator of property exempt from taxation under subsection (1)(b) signs a contract to sell power as required in subsection (1) and then fails to perform the contract during the first 5-year period, the 5-year property tax exemption in subsection (1) is void and the property is subject to a rollback tax as provided in [section 2]."

**Renumber:** subsequent subsections

16. Page 2, line 5.

**Strike:** "10-year"

**Strike:** "[section 1]"

**Insert:** "subsection (1)(a) or (1)(b)"

17. Page 2, line 11.

**Strike:** "includes but"

**Strike:** "not"

18. Page 2, line 12 through line 13.

**Following:** "gas turbines," on line 12

**Strike:** "wind" on line 12 through "cells," on line 13

19. Page 2, line 22.

**Strike:** "75%"

**Insert:** "50%"

20. Page 2, line 23.

**Strike:** "in Montana"

21. Page 2.

**Following:** line 23

**Insert:** "(5) The department shall appraise exempt electrical generation facilities for each year that the property is exempt and determine the taxable value of the property as if it were subject to property taxation. The taxable value determined by the department must be included as taxable valuation for the purposes of county classification under 7-1-2111."

22. Page 3, line 4.

**Strike:** "land"

**Insert:** "electrical generation property"

23. Page 3, line 10.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Following:** "(1)"

**Insert:** "(a)"

24. Page 3, lines 12 through 15.

**Strike:** "infrastructure" on line 12

**Following:** "fee" on line 12

**Strike:** the remainder of line 12 through "[section 1]" on line 15

**Following:** "." on line 15

**Insert:** "In the first 2 years of construction, the impact fee may not exceed 0.75% of the total cost of constructing the electrical generation facility.

(b) In the case of a generation facility powered by oil or gas turbines, the impact fee may not exceed 0.1% of the total construction cost in the remaining 3 years of the tax exemption period as provided in [section 1].

(c) In the case of any other generation facility, the impact fee may not exceed 0.1% of the total construction cost in the subsequent 4 years and may not exceed 0.08% of the total construction cost in the remaining 4 years of the tax exemption period as provided in [section 1]."

25. Page 3, line 19.

**Following:** "Thirty"

**Strike:** "FIFTY percent of the"

**Insert:** "The"

26. Page 3, line 20.

**Strike:** "infrastructure"

**Insert:** "local"

**Following:** "70%"

**Strike:** "50% of the impact fee must be distributed to"

27. Page 3, line 22.

**Strike:** "If"

**Insert:** "Subject to the conditions of subsection (5) and [section 4], if"

28. Page 3, line 22.

**Following:** "units"

**Insert:** "of the county or contiguous counties"

29. Page 3, line 24.

**Strike:** "which" through "and"

30. Page 3, line 26.

**Following:** "."

**Insert:** "The county in which the electrical generation facility is located is authorized to assess the fee under the interlocal agreement."

31. Page 3, line 27.

**Following:** "."

**Insert:** "If an exempt electrical generation facility is located within a tax increment financing district, the tax increment financing district is considered a local government unit and is entitled to the distribution of impact fees under this section. A tax increment financing district may not receive a distribution of impact fees if an

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

exempt electrical generation facility is not located within the district."

32. Page 3.

**Following:** line 27

**Insert:** "(6) Impact fees imposed under subsection (4) must be deposited in the county electrical energy generation reserve account established in [section 4] for the county in which the electrical generation facility is located. Money in the account may not be expended until the multiple local governments have entered into an interlocal agreement."

**Insert:** "NEW SECTION. Section 4. Electrical energy generation impact fee reserve account. (1) The governing body of a county receiving impact fees under [section 3(4)] shall establish an electrical energy generation impact fee reserve account to be used to hold the collections. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(2) Money may be expended from the account for any purpose of an interlocal agreement provided for in [section 3]. The county treasurer shall distribute money in the account to each local government unit according to the terms of the interlocal agreement.

(3) Money in the account must be invested as provided by law. Interest and income from the investment of the electrical energy generation reserve account must be credited to the account."

**Insert:** "NEW SECTION. Section 5. Electrical generation impact fund. (1) A local government unit, as defined in [section 3], and a school district that receives impact fees pursuant to [section 3(2)] or [section 4] shall establish an electrical generation impact fund for the deposit of the fees. A local government unit or school district may retain the money in the fund for any time period considered appropriate by the governing body of the local government unit or school district. Money retained in the fund may not be considered as fund balance for the purpose of reducing mill levies.

(2) Money may be expended from the fund for any purpose allowed by law.

(3) Money in the fund must be invested as provided by law. Interest and income earned on the investment of money in the fund must be credited to the fund.

(4) The fund must be financially administered as a nonbudgeted fund by a county under the provisions of Title 7, chapter 6, part 23, by a city or town under the provisions of Title 7, chapter 6, part 42, or by a school district under the provisions of Title 20, chapter 9, part 5."

**Renumber:** subsequent sections

33. Page 3, line 29.

**Strike:** "3"

**Insert:** "5"

34. Page 3, line 30.

**Strike:** "6" in both places

**Insert:** "24" in both places

**Strike:** "part 2,"

**Strike:** the third "part"

35. Page 4, line 1.

**Strike:** "2,"

**Strike:** "3"

**Insert:** "5"

36. Page 4, line 3.

**Following:** "effective"

**Strike:** "January 1, 2002"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Insert:** "on passage and approval"

For the Senate:

Cole, Chairman  
DePratu  
Halligan

For the House:

Story, Chairman  
Devlin  
Forrester

**MESSAGES FROM THE SENATE**

Conference committee report #1 adopted: 4/19/2001

**HB 226**, introduced by Bales

**HB 290**, introduced by Waddill

**HB 359**, introduced by P. Clark

**HB 360**, introduced by P. Clark

Free conference committee report #1 **not** adopted: 4/19/2001

**HB 573**, introduced by Bales

Free conference committee report #1 adopted: 4/19/2001

**SB 322**, introduced by Shea

**SB 398**, introduced by Miller

**MESSAGES FROM THE GOVERNOR**

April 19, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 179, "**AN ACT GENERALLY REVISING LAWS GOVERNING BUDGETING AND APPROPRIATIONS; CLARIFYING THE MAXIMUM EXPENDITURE FOR AN EMERGENCY OR DISASTER; REVISING THE LAW GOVERNING ACCRUALS; PROVIDING THAT**

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**AGENCY PROGRAM BUDGET REDUCTION PLANS APPLY TO THE BASE BUDGET FOR THE GENERAL APPROPRIATIONS ACT AND THE STATE PAY PLAN; PROVIDING THAT AGENCY GOALS AND OBJECTIVES MAY BE MADE AVAILABLE ELECTRONICALLY; CLARIFYING THE RECORDING OF UNIVERSITY FUNDS UNDER AN OPERATING BUDGET; ALLOWING THE RETRANSFER OF MONEY TRANSFERRED FOR SPRING FIRE COSTS; CLARIFYING THE LAWS GOVERNING THE REVERSION OF FUNDS; CLARIFYING THE PROCEDURE FOR A PROPOSED SUPPLEMENTAL APPROPRIATION TO TRANSFER FUNDS BETWEEN FISCAL YEARS; EXTENDING THE DURATION OF A BUDGET AMENDMENT FOR FEDERAL FUNDS TO THE END OF THE FEDERAL FISCAL YEAR; PROVIDING THAT CHARGES FOR SERVICES AND SUPPLIES BETWEEN AGENCIES ARE VALID CLAIMS; AMENDING SECTIONS 10-3-312, 17-1-102, 17-7-111, 17-7-123, 17-7-138, 17-7-139, 17-7-304, 17-7-311, 17-7-402, AND 17-8-101, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

My concerns regarding SB 179 are limited to Section 2, which I understand was intended to exempt equipment for highway maintenance from certain provisions governing accruals. I have been advised, however, that the exclusion of the MDT maintenance program will not technically accomplish that objective, as equipment is purchased in a separate equipment program. As a second concern, the proposed revision to the law governing accruals would apply to the current fiscal year, even though agencies may have entered into contracts or purchase orders that will not be completed or delivered prior to July 1, 2001. It is my understanding that, at a minimum, agencies must have at least a year in which to implement any new accrual provisions.

As I'm sure you're aware, agencies must manage their total budget responsibly. Under tight financial circumstances, that means achieving vacancy savings, delivering priority services, paying off vacation and sick leave for retirees, and meeting other priorities before ordering authorized replacement equipment towards the end of the fiscal year. Many extenuating circumstances beyond the control of an agency may cause equipment not to be delivered prior to July 1st -- weather, transportation problems and manufacturing problems, just to name a few.

We are working with the Department of Administration to implement a new SABHRS financial system functionality that will eliminate the expenditures of concern under Section 2 of SB 179 from the budget that we will present to the 58th Legislature. We are confident that the new SABHRS functionality will improve our management practices and will adequately respond to all of the objections that were driven by our former state accounting system (SBAS).

In the meantime, in an effort to address both our concerns and the concerns of the Legislature, I am recommending an amendment to Section 2 of SB 179 that will restrict general fund accruals, require written plans to the Department of Administration, and authorize the Department to delete an encumbrance at fiscal year end. In addition, my amendment will also require the preparation and submission of a fiscal year end report to both OBPP and the Legislative Finance Committee on each general fund encumbrance remaining at fiscal year end.

The sponsor of SB 179, Senator Zook, has been advised of my amendatory recommendation.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 179

1. Title, line 18.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 2, line 24.

**Following:** "encumbrances"

**Strike:** "other than those for equipment"

3. Page 2, line 26.

**Strike:** " "

4. Page 2, line 28 through page 3, line 1.

**Following:** "records"

**Strike:** "~~The exclusion for equipment does not apply to equipment for goods and services related to the maintenance of highway infrastructure in the department of transportation maintenance program to be paid from the highways state special revenue fund.~~"

**Insert:** "in accordance with the following requirements:

(a) Goods and services, grants, and local assistance that are paid for with the general fund, in whole or in part, may be encumbered. The general fund encumbrances must be reviewed by the department, and a specific extension plan must be presented by the encumbering agency to the department prior to the fiscal yearend. If a valid extension plan is not received and approved, the department shall delete the encumbrance at fiscal yearend. The department shall present a fiscal yearend report to the office of budget and program planning and to the legislative finance committee on each general fund encumbrance remaining at fiscal yearend.

(b) Non-general fund encumbrances also require a valid extension plan approved by the department at the end of each fiscal year. After three years, approved extensions will be included by the department in its fiscal year end report to the office of budget and program planning and to the legislative finance committee."

5. Page 15, following line 10.

**Insert:** "NEW SECTION. Section 15. Applicability. [Section 2] applies to fiscal year 2002 and thereafter."

April 19, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

return with amendments Senate Bill 282, **"AN ACT CREATING THE ASBESTOS CLAIMS COURT; PROVIDING FOR THE APPOINTMENT OF THE ASBESTOS CLAIMS JUDGE; PROVIDING FOR THE PROCEDURES TO BE USED FOR TRYING AN ASBESTOS-RELATED CLAIM; AMENDING SECTIONS 3-5-113, 3-5-115, 3-15-104, 3-15-204, AND 3-15-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

I have no concerns with the objectives of SB 282, or with its specific measures. It is, as you know, intended to address the large number of asbestos-related claims that have arisen and will likely continue to arise in the Nineteenth Judicial District. As you are also aware, however, the recent bankruptcy filing by W.R. Grace has raised numerous questions as to the extent to which, if at all, asbestos-related claims against W.R. Grace will be allowed to proceed in a state court forum. It is my understanding that, at least for the present, all actions arising from exposure to asbestos indirectly or directly caused by Grace and/or its affiliated entities (including those pending in Montana state courts) have been enjoined by the bankruptcy court.

The bankruptcy filing has thus created numerous uncertainties as to the ultimate need for the asbestos claims court. In the event that all asbestos-related claims against Grace and its affiliates have to be litigated in the context of the bankruptcy proceeding, the need for the special court may not arise. On the other hand, it is at least possible that the bankruptcy court may allow some or all of the Montana cases to proceed in state court, or perhaps allow cases to proceed against Grace insurers in state court. In that event, the asbestos court may well prove to be necessary. At this point, however, it is impossible to speculate as to what the future holds.

In light of that uncertainty, I recommend that the bill's effective date be made contingent upon a determination by the Montana Supreme Court that, based on decisions made in the federal bankruptcy proceeding and other circumstances that the Court deems advisable to consider, there is sufficient need to implement the provisions of SB 282. I have enclosed my amendment to that effect.

The sponsor of this bill, Senator Crismore, as well as the Montana Supreme Court have been advised of my amendatory recommendation and have no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 282

1. Title, line 8

**Strike:** "AN IMMEDIATE"

**Insert:** "A CONTINGENT"

2. Page 6, line 8

**Following:** "12."

**Strike:** "Effective"

**Insert:** " Contingent effective"

3. Page 6, line 8

**Following:** "[This act]"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Strike:** "is effective on passage and approval"

**Insert:** "is effective contingent on a determination by the Montana supreme court that, based on decisions reached in the federal bankruptcy proceedings involving W.R. Grace and other circumstances that the court deems advisable to consider, there exists sufficient need to implement the provisions of [this act]. The court shall notify the secretary of state and the code commissioner when this contingency is met"

April 19, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 313, **"AN ACT AUTHORIZING A DISTRICT TO DEPRECIATE TECHNOLOGICAL EQUIPMENT AS AN AUTHORIZED USE OF THE TECHNOLOGY ACQUISITION AND DEPRECIATION FUND; REQUIRING VOTER APPROVAL FOR A LEVY TO INCREASE THE DISTRICT'S FUNDS TO SUPPORT TECHNOLOGY; AMENDING SECTIONS 20-9-375 AND 20-9-533, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

As you know, SB 313 authorizes school districts to depreciate technological equipment as a permissible use of the already-existing technology fund under §20-9-533, MCA. By virtue of that change, however, districts will also be authorized to impose a voter-approved levy to assist in funding that depreciation.

My recommended amendments to SB 313 are intended to (1) avoid any potential conflict with SB 117, which I've already signed into law and (2) clarify that SB 313 contemplates only one levy, which is subject to voter approval. In terms of the first item, SB 117 broadly removes all school levies under Title 20, MCA from the operation of § 15-10-420, MCA. It is my understanding (and the understanding of the sponsor, Senator Thomas), however, that the proponents of SB 313 intended that its voter-approved levy remain subject to § 15-10-420, MCA. Accordingly, amendments 2 and 4 on the attached are intended to clarify that the levy contemplated by SB 313 remains subject to Title 15, MCA, notwithstanding the general language of SB 117.

In terms of the second issue, the bill in its current form arguably creates both a permissive levy (i.e., non-voted) and an additional voted levy. Again, it is my and Senator Thomas' understanding that the bill was always intended to contemplate only one levy, subject to voter approval and to the 20%/150% limits of Section 2(3). Accordingly, my amendments 1 and 3 on the attached are intended to make that clear.

Finally, I am also recommending a coordination instruction to ensure that the voted levy contemplated under SB 313 will be conducted in conformity with HB 179, which establishes uniform procedures for local governments to follow



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

in conducting voted mill levy elections. House Bill 179 contemplates that voted school levies of the type embodied in SB 313 will be conducted under its new provisions.

The sponsor of SB 313, Senator Thomas, has been advised of and agrees with my amendatory recommendations.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 313

1. Page 2, line 12

**Following:** "BUDGET."

**Insert:** "contingent upon voter approval of a levy under subsection (6) and"

2. Page 2, line 19

**Following:** second "AND"

**Strike:** "SUBJECT TO 15-10-420."

3. Page 2, line 24

**Following:** "subsection (2)"

**Strike:** "AND THE AMOUNT LEVIED PURSUANT TO SUBSECTION (4)"

4. Page 3, line 3

**Following:** first "levy."

**Strike:** "Upon approval by the electors, any additional levy increasing the amount approved by the electors is subject to the provisions of 15-10-420."

**Insert:** "Notwithstanding any other provision of law, the levy under subsection (6) is subject to 15-10-420."

5. Page 5, following line 27

**Insert:** "NEW SECTION. Section 3. **Coordination instruction.** If House Bill No. 179 is passed and approved, then [Section 2(6) of this act] must read as follows:

"(6) In addition to the funds received pursuant to subsection (2) ~~and the amount levied pursuant to subsection (4)~~, the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional levy to fund the depreciation of technological equipment authorized under this section. The election must be called and conducted in the manner prescribed by this title for school elections and in the manner prescribed by [Section 1 of House Bill No. 179]. ~~The ballot for a proposition must provide for and against provisions stating whether the trustees are authorized to impose a levy of (state the approximate number of mills and dollars) dollars and (state the approximate number of mills) mills and dollars to fund the depreciation of technological equipment in the school district.~~"

April 19, 2001

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 442, **"AN ACT CREATING A REVOLVING FUND FOR LOANS FOR LOW-INCOME FAMILIES, USING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT FUNDS"** for the following reasons.

I have no concerns with the objectives of SB 442 or with its specific provisions. As you know, the bill creates a revolving loan account in the Department of Public Health and Human Services [DPHHS] to provide loans to individuals eligible for TANF-funded programs for various purposes, including job training expenses, weatherization/energy conservation work on homes, business start-up costs, etc.

I would, however, recommend that the current language in Section 1(2) of the bill mandating that DPHHS access TANF funds for purposes of the program be amended to allow the Department the discretion to make the threshold determination as to the viability of the program. That objective can be accomplished by simply changing the word "must" to "may", which I've proposed in the attached amendment. That change will afford DPHHS the flexibility to determine whether there is in fact a demand for this type of program before having to access the TANF funds.

The sponsor of SB 442, Senator Cobb, has been advised of my amendatory recommendation and it is my understanding that he has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 442

1. Page 1, line 12  
**Following:** "department"  
**Strike:** "shall"  
**Insert:** "may"

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:30 a.m., Saturday, April 21, 2001. Motion carried.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

House adjourned at 11:07 a.m.

House reconvened at 11:31 a.m. All members present, except Representative Juneau, excused. Quorum present.

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 142  
Report No. 2, April 20, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 142**, met April 20, 2001, and considered:

1. Senate Committee on Fish and Game amendments to third reading copy, dated March 9, 2001.

We recommend that **House Bill 142** (reference copy – salmon) be amended as follows:

1. Title, line 7.

**Following:** "~~REGION 1~~"

**Insert:** "IN ADMINISTRATIVE REGION 1"

2. Page 1.

**Following:** line 8

**Insert:** "WHEREAS, the Legislature finds that there are unique and special circumstances associated with lion hunting in Region 1 that have created intense hunting pressure, competition, and biological management problems that are unacceptable to the general public."

3. Page 2, line 22.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

4. Page 2, line 24.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

5. Page 2, lines 26 and 27.

**Strike:** "Rules" on line 26 through "₂" on line 27

6. Page 4, line 10.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

7. Page 4, line 12.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

8. Page 4, lines 14 and 15.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Strike:** "Rules" on line 14 through ":" on line 15

For the House:

Fuchs, Chairman  
P. Clark  
Laszloffy

For the Senate:

Crismore, Chairman  
Ekegren  
Roush

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Laible in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 247 - Governor's Amendments** - Representative Lewis moved Governor's amendments to **HB 247** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Buzzas, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Mangan.  
Total 10

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 436 - Governor's Amendments** - Representative Olson moved Governor's amendments to **SB 436** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Buzzas, Eggers, Erickson, Galvin-Halcro, Hurdle, Kaufmann.

Total 6

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 637 - Free Conference Committee Report No. 1** - Representative Younkin moved the Free Conference Committee report to **HB 637** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Esp.

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 645 - Free Conference Committee Report No. 1** - Representative Mood moved the Free Conference Committee report to **HB 645** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 176 - Free Conference Committee Report No. 1** - Representative Esp moved the Free Conference Committee report to **SB 176** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Davies, Holden, Laszloffy, Lawson, Pattison, Shockley, Somerville, Vick.

Total 8

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 242 - Free Conference Committee Report No. 2** - Representative Haines moved the Free Conference Committee report to **SB 242** be adopted.

Representative Lee moved for cloture.

Motion that the free conference committee report to **SB 242** be adopted carried as follows:

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Musgrove, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin, Mr. Speaker.

Total 54

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Newman, Noennig, A. Peterson, K. Peterson, Schmidt, Schrupf, Smith, Somerville, Tramelli, Tropila, Whitaker, Witt.

Total 46

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432 - Free Conference Committee Report No. 2** - Representative McKenney moved the Free Conference Committee report to **SB 432** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 68

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Smith.

Total 32

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 506 - Free Conference Committee Report No. 1** - Representative Story moved the Free Conference Committee report to **SB 506** be adopted. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laible moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 72

Noes: Bixby, Branae, Carney, Cyr, Erickson, Facey, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Mangan, Schmidt, Smith, Tramelli, Wanzenried.

Total 24

Excused: Juneau.

Total 1

Absent or not voting: Dell, McCann, Musgrove.

Total 3

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE

on House Bill 573

Report No. 2, April 20, 2001



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 573**, met April 20, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 29, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 30, 2001.

We recommend that **House Bill 573** (reference copy – salmon) be amended as follows:

1. Title, line 5 through line 6.

**Strike:** "THE" on line 5 through "WELLS" on line 6

**Insert:** "COAL BED METHANE WELLS THAT INVOLVE PRODUCTION OF GROUND WATER; PROVIDING THAT CERTAIN MANAGEMENT PRACTICES FOR GROUND WATER PRODUCED IN ASSOCIATION WITH A COAL BED METHANE WELL MAY NOT BE CONSTRUED AS WASTE; AMENDING SECTION 85-2-505, MCA"

**Strike:** "A" through "DATE" on line 6

**Insert:** "EFFECTIVE DATES"

2. Page 1, line 10.

**Strike:** "4"

**Insert:** "3"

3. Page 1, line 13 through line 15.

**Strike:** "the" on line 13 through the second "development" on line 15

**Insert:** "a delay in the development of certain coal bed methane wells"

4. Page 1, line 20 through line 24.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

5. Page 1, line 25.

**Following:** "legislature"

**Insert:** "further"

6. Page 2, line 7.

**Following:** "program"

**Insert:** "and [section 4]"

7. Page 2, line 13 through line 18.

**Strike:** "authorized" on line 13 through "2" on line 18

**Insert:** "that involve the production of ground water must comply with this section"

8. Page 2, line 20.

**Strike:** "The" through "ground"

**Insert:** "Ground"

**Strike:** "the development of"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

9. Page 2, line 23.

**Following:** "3"

**Strike:** ", if" through "PURPOSE"

10. Page 2, line 27 through line 28.

**Strike:** "rules" through "82-11-111"

**Insert:** "applicable law"

11. Page 2, line 30.

**Strike:** "75-5-401"

**Insert:** "Title 75, chapter 5"

12. Page 3, line 1.

**Strike:** "DISPOSAL"

**Strike:** "AS PROVIDED"

**Insert:** "allowed"

13. Page 3.

**Following:** line 1

**Insert:** "(3) (a) Prior to the development of a coal bed methane well that involves the production of ground water from an aquifer that is a source of supply for appropriation rights or permits to appropriate under this chapter, the developer of the coal bed methane well shall notify and offer a reasonable mitigation agreement to each appropriator of water who holds an appropriation right or a permit to appropriate under this chapter that is for ground water and for which the point of diversion is within:

(i) 1 mile of the coal bed methane well; or

(ii) one-half mile of a well that is adversely affected by the coal bed methane well.

(b) The mitigation agreement must address the reduction or loss of water resources and must provide for prompt supplementation or replacement of water from any natural spring or water well adversely affected by the coal bed methane well. The mitigation agreement is not required to address a loss of water well productivity that does not result from a reduction in the amount of available water because of production of ground water from the coal bed methane well."

**Insert:** "**Section 5.** Section 85-2-505, MCA, is amended to read:

**"85-2-505. Waste and contamination of ground water prohibited.** (1) No ground water may be wasted. The department shall require all wells producing waters ~~which that~~ contaminate other waters to be plugged or capped. It shall also require all flowing wells to be so capped or equipped with valves that the flow of water can be stopped when the water is not being put to beneficial use. Likewise, both flowing and nonflowing wells ~~shall~~ must be so constructed and maintained as to prevent the waste, contamination, or pollution of ground water through leaky casings, pipes, fittings, valves, or pumps either above or below the land surface, ~~provided, however,~~ However, in the following cases the withdrawal or use of ground water ~~shall~~ may not be construed as waste under this part:

(a) the withdrawal of reasonable quantities of ground water in connection with the construction, development, testing, or repair of a well or other means of withdrawal of ground water;

(b) the inadvertent loss of ground water owing to breakage of a pump, valve, pipe, or fitting, if reasonable diligence is shown by the person in effecting the necessary repair;

(c) the disposal of ground water without further beneficial use that must be withdrawn for the sole purpose of improving or preserving the utility of land by draining the same or that must be removed from a mine to permit mining operations or to preserve the mine in good condition;

(d) the disposal of ground water used in connection with producing, reducing, smelting, and milling metallic ores and industrial minerals or that displaced from an aquifer by the storage of other mineral resources; and

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

(e) the management, discharge, or reinjection of ground water produced in association with a coal bed methane well in accordance with [section 4(2)(b) through (2)(d)].

(2) The department at any time may hold a hearing on its own motion or upon petition signed by a representative body of users of ground water in any area or subarea to determine whether the water supply within ~~such~~ that area or subarea is used in compliance with this part."

**Renumber:** subsequent sections

14. Page 3, line 3.

**Following:** "Notification to"

**Insert:** "federal and"

15. Page 3, line 4.

**Strike:** "and"

**Insert:** ", "

16. Page 3, line 5.

**Following:** "Chippewa"

**Insert:** ", and to the U.S. secretary of the interior"

17. Page 3, line 7.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "4"

**Insert:** "3"

18. Page 3, line 9.

**Strike:** "4"

**Insert:** "3"

**Following:** line 9

**Insert:** "(2) [Section 4] is intended to be codified as an integral part of Title 85, chapter 2, part 5, and the provisions of Title 85, chapter 2, part 5, apply to [section 4]."

19. Page 3.

**Following:** line 9

**Insert:** "NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent section

20. Page 3, line 11.

**Strike:** "CONTINGENT" through "date"

**Insert:** "Effective dates -- contingency"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

21. Page 3, line 12.

**Following:** "2002"

**Insert:** "on passage and approval."

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

(2) [Section 3] is effective"

For the House:

Bales, Chairman  
Olson

For the Senate:

Cole, Chairman  
Crismore  
Roush

**MESSAGES FROM THE GOVERNOR**

April 20, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 459** sponsored by Representative Mood et al. and **House Bill 473** sponsored by Representative Younkin et al. on April 20, 2001.

Sincerely,

JUDY MARTZ  
Governor

April 20, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 77, "**AN ACT GENERALLY REVISING THE LAWS GOVERNING PUBLIC ASSISTANCE; DEFINING FINANCIAL ASSISTANCE AND NONFINANCIAL ASSISTANCE TO COMPORT WITH FEDERAL LAW; REMOVING AUTHORITY FOR ONE-TIME-ONLY INCOME EXCLUSIONS FOR SPECIAL EMPLOYMENT-RELATED NEEDS; AUTHORIZING THE ADOPTION OF**

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**RULES GOVERNING THE DURATION OF BENEFITS AND ELIGIBILITY FOR NONFINANCIAL ASSISTANCE; CLARIFYING SANCTIONS FOR FAILURE OR REFUSAL TO COMPLY WITH FAMILY INVESTMENT AGREEMENTS; REMOVING REFERENCES TO PATHWAYS AND THE COMMUNITY SERVICES PROGRAM; REMOVING THE DESIGNATED COMPONENTS OF THE FAIM PROGRAM; AMENDING SECTIONS 23-1-303, 39-7-303, 39-71-118, 39-71-123, 40-4-215, 40-5-242, 40-5-248, 53-2-201, 53-2-211, 53-2-606, 53-2-610, 53-2-613, 53-2-901, 53-2-902, 53-2-903, 53-2-904, 53-2-1103, 53-4-201, 53-4-202, 53-4-212, 53-4-214, 53-4-231, 53-4-233, 53-4-241, 53-4-246, 53-4-602, 53-4-606, 53-4-611, 53-4-612, 53-4-613, 53-4-702, 53-4-704, 53-4-705, 53-4-706, 53-4-717, 53-6-101, 53-6-113, 53-6-131, 53-6-132, 53-6-134, AND 53-24-106, MCA; REPEALING SECTIONS 53-4-247, 53-4-603, 53-4-607, 53-4-608, AND 53-4-701, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE" for the following reasons.**

With the exception of one specific provision, I have no concerns with the objectives or contents of SB 77, which generally revises our public assistance laws. I do, however, disagree with that discrete provision in Section 22 that extends, under certain conditions, public assistance eligibility to individuals who have been convicted of a felony involving controlled substances, as that term is defined by federal law. I recommend that specific provision be stricken from SB 77 and that the current prohibition against such an extension of eligibility remain in place. I have attached my amendment to that effect.

The sponsor of SB 77, Senator Hargrove, has been advised of my amendatory recommendations.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 77

1. Page 27, lines 16 through 25.

**Strike:** Subsection (3) in its entirety

**Renumber:** subsequent subsections

2. Page 28, line 15

**Following:** "608;"

**Strike:** "and"

3. Page 28, line 21.

**Following:** "~~802(6)~~."

**Insert:** " (j) an individual convicted after August 22, 1996, of any offense that is classified as a felony and that has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6)."

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 41, Free Conference Committee Report No. 1**, adopted as follows:

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Bixby, Carney, Cyr, Eggers, Erickson, Gallik, Golie, Jayne, Jent, Kaufmann, Raser.

Total 11

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 124, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bitney, Branae, D. Brown, R. Brown, Buzzas, Callahan, Clancy, E. Clark, Cyr, Dale, Dell, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lewis, Mangan, Matthews, Mood, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.

Total 66

Noes: Adams, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Brueggeman, Carney, P. Clark, Curtiss, Davies, Devlin, Eggers, Fisher, Forrester, Fuchs, Jackson, Laszloffy, Lawson, Lenhart, Lindeen, Masolo, McCann, McKenney, Musgrove, Olson, Pattison, Shockley, Sliter, Smith, Somerville, Vick, Wolery, Younkin.

Total 34

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 146, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Barrett, Bixby, R. Brown, Gallus, Jayne, Laslovich, K. Peterson, Tropila.

Total 8

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

**HB 208, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 226, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Buzzas, Dell, Fisher, Gallik, Galvin-Halcro, Golie, Hurdle, Jayne, Lee, Raser.

Total 10

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 290, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Adams, Balyeat, Laible, Waitschies.

Total 4

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 359, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt,



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: R. Brown, Jayne, Vick, Mr. Speaker.

Total 4

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 360, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Newman, Shockley.

Total 2

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Andersen, Fisher.

Total 2

**HB 554, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Noes: Adams, Bales, Bixby, Buzzas, E. Clark, Devlin, Eggers, Fisher, Kasten, Mood, Pattison, Rice, Ripley, Smith, Story, Wanzenried, Whitaker.

Total 17

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 600, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Bixby, Cyr, Eggers, Erickson, Facey, Gallik, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Lee, Shockley, Smith, Tropila, Wanzenried.

Total 16

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: Buzzas, Jent.

Total 2

**HB 625, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Adams, Balyeat, Davies, Fisher, Hurdle, Juneau, Kasten, Vick, Walters.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Total 9

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 644, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Fisher, Forrester, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Balyeat, Bixby, R. Brown, Buzzas, Carney, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Laslovich, Lee, Newman, Shockley, Somerville, Vick, Walters, Wanzenried.

Total 31

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 19, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Erickson, Harris, Hurdle, Lee.

Total 4

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 274, as amended by the Governor**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 82, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, Bales, Balyeat, Lawson, Lewis, Pattison, Rice, Ripley, Rome, Vick, Waitschies.

Total 11

Voted Absentee: Juneau, Aye.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 322, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Schmidt, Schrumpf, Shockley, Smith, Somerville, Story, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.  
Total 73

Noes: Adams, Balyeat, Barrett, Brueggeman, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Laszloffy, Lehman, McCann, Pattison, K. Peterson, Ripley, Rome, Sliter, Steinbeisser, Thomas, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.  
Total 27

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 386, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 86

Noes: Adams, Bales, Barrett, R. Brown, Brueggeman, Jackson, Kasten, Laible, Pattison, Ripley, Somerville, Story, Mr. Speaker.  
Total 13

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Absent or not voting: Mangan.  
Total 1

**SB 398, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 76

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jayne, Jent, Juneau, Kaufmann, Lee, Mangan, Musgrove, Raser, Smith, Tropila, Wanzenried.  
Total 24

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 494, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Esp, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 53

Noes: Adams, Balyeat, Branae, Brueggeman, Buzzas, Callahan, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lindeen, Newman, Pattison, K. Peterson, Raser, Schmidt, Steinbeisser, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Witt.  
Total 47

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**SB 521, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Buzzas, Harris, Hurdle, Jayne, Lee, Shockley, Smith, Vick.

Total 8

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Musgrove requested on the conference committee report to **HB 625**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schmidt requested on the conference committee report to **HB 290**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Shockley requested on the free conference committee report to **SB 176**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Golie moved that the free conference committee report to **HB 573** be postponed until April 23, 2001.

Representative Sliter made a **substitute motion** that Representative Golie's motion be tabled. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 42

Excused: Juneau.

Total 1

Absent or not voting: None.

Total 0

Speaker Pro Tempore Mood assumed the chair.

Speaker McGee moved that the House reconsider its action on **SB 338** and that it be placed on second reading today. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Mr. Speaker.

Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, McKenney, Mood, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin.

Total 47

Excused: Juneau.

Total 1

Absent or not voting: Bitney, Lewis, McCann.

Total 3

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 3:00 p.m., Saturday, April 21, 2001. Motion carried.

House adjourned at 1:18 p.m.

House reconvened at 3:00 p.m. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/20/2001

Correctly enrolled: **HB 559, HB 612.**

Examined by the sponsor and found to be correct: **HB 14, HB 118, HB 119, HB 214, HB 216, HB 266, HB 324, HB 543, HB 572, HB 603, HB 605, HJR 32, HJR 40.**

Signed by the Speaker at 1:25 p.m., April 20, 2001: **HB 118, HB 119, HB 214, HB 216, HB 266, HB 324, HB 543,**



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**HB 572, HB 603, HB 605, HJR 32, HJR 40.**

**MESSAGES FROM THE SENATE**

House joint resolution concurred in and returned to the House: 4/20/2001

**HJR 44**, introduced by Curtiss

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 4/20/2001

**HJR 42**, introduced by Kaufmann

Governor's amendments to House bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/20/2001

**HB 47**, introduced by Price

**HB 348**, introduced by Shockley

**HB 456**, introduced by Gutsche

**HB 609**, introduced by Story

Free conference committee report #1 adopted: 4/20/2001

**HB 41**, introduced by Witt

**HB 124**, introduced by Story

**HB 208**, introduced by Harris

Conference committee report #1 adopted: 4/20/2001

**HB 644**, introduced by Pattison

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:45 p.m. Motion carried.

House recessed at 3:04 p.m.

House reconvened at 3:45 p.m. All members present. Quorum present.

**MESSAGES FROM THE GOVERNOR**

April 20, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 8** sponsored by Representative McCann on April 20, 2001.

Sincerely,

JUDY MARTZ  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallus in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 142 - Free Conference Committee Report No. 2** - Representative Fuchs moved the Free Conference Committee report to **HB 142** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gillan, McCann, Tropila.

Total 3

**HB 573 - Free Conference Committee Report No. 2** - Representative Bales moved the Free Conference Committee report to **HB 573** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 179 - Governor's Amendments** - Representative Vick moved Governor's amendments to **SB 179** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 98

Noes: Mangan.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**SB 282 - Governor's Amendments** - Representative Curtiss moved Governor's amendments to **SB 282** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Eggers, Gallik.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

**SB 313 - Governor's Amendments** - Representative Laible moved Governor's amendments to **SB 313** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Adams, Esp, Kasten, Pattison, Story, Vick.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 442 - Governor's Amendments** - Representative Lee moved Governor's amendments to **SB 442** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 95

Noes: Jackson, Pattison, Rice, Ripley, Younkin.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 508 - Free Conference Committee Report No. 1** - Representative Story moved the Free Conference Committee report to **SB 508** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Smith, Tropila, Waddill, Wanzenried.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 338 - Governor's Amendments** - Representative Lewis moved Governor's amendments to **SB 338** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 52

Noes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 48

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Absent or not voting: None.  
Total 0

Representative Sliter moved consideration of the free conference committee report to **SB 512** be placed at the bottom of the second reading board. Motion carried.

**HJR 42 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HJR 42** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: R. Brown, Esp, Fisher, Fuchs, Himmelberger, Jackson, Ripley, Whitaker.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted.

Representative Lee made a substitute motion that the Governor's amendments to **SB 338** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 53

Excused: None.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Total 0

Absent or not voting: Clancy, P. Clark, Eggers, Jent, Rice.

Total 5

Motion to adopt the report carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 38

Excused: None.

Total 0

Absent or not voting: Davies, Waitschies.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/20/2001

Examined by the sponsor and found to be correct: **HB 559, HB 612.**

Signed by the Speaker at 4:40 p.m., April 20, 2001: **HB 559, HB 612.**

Signed by the Speaker at 5:40 p.m., April 20, 2001: **HB 124.**

**MOTIONS**

Representative Facey requested on Senate amendments to **HJR 42**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Keane requested on the free conference committee report to **SB 508**, second reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Waddill requested on the conference committee report to **HB 226**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Thomas requested on the free conference committee report to **HB 573**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Wolery requested on the free conference committee report to **HB 573**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Representative Witt requested on the free conference committee report to **HB 573**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 9:00 a.m., Saturday, April 21, 2001. Motion carried.

House adjourned at 5:14 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House



**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
NINETIETH LEGISLATIVE DAY**

Helena, Montana  
April 21, 2001

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Speaker McGee. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Eggers, excused. Quorum present.

**COMMUNICATIONS AND PETITIONS**

***A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA***

***WHEREAS***, the Capital High School girls' soccer team won the 2000 AA state championship; and

***WHEREAS***, the Capital High Bruins earned their fifth state championship in a row; and

***WHEREAS***, the Bruin girls' soccer team has amassed a total of 68 straight wins; and

***WHEREAS***, the Bruins hold title to the third longest winning streak in the nation for girls' high school soccer; and

***WHEREAS***, 14 of 20 girls received All State Academic honors; and

***WHEREAS***, Coach Rick Thompson received the National Federation of High Schools Region 7 Soccer Coach of the Year award in 2000.

***NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA:*** that the congratulations of all Montanans be extended to the Capital High School Bruins for their accomplishments.

This proclamation was signed by Senators Tom Beck and Ken Toole and Representatives Hal Jacobson and Dave Lewis.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/21/2001

Correctly enrolled: **HB 41, HB 208, HB 226, HB 290, HB 359, HB 360, HB 554, HB 644, HJR 44.**

Delivered to the Governor for approval at 5:45 p.m., April 20, 2001: **HB 124.**

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 2  
Report No. 1, April 20, 2001

Mr. Speaker and Mr. President:

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

We, your Free Conference Committee on **House Bill 2**, met and considered (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

We recommend that **House Bill 2** (reference copy – salmon) be amended as follows:

1. Page BP-2, line 14.

**Following:** "**REDUCTION.**"

**Strike:** "(1)"

2. Page BP-2, line 15.

**Following:** "**MONTHS**"

**Insert:** "and that are not seasonal, already filled, or newly classified"

3. Page BP-2, line 18.

**Strike:** "120.62"

**Insert:** "49.27"

4. Page BP-2, line 19.

**Strike:** "19.28"

**Insert:** "2.03"

5. Page BP-2, line 20.

**Strike:** "3.34"

**Insert:** "4.84"

6. Page BP-2, line 21.

**Strike:** "42.61"

**Insert:** "19.26"

7. Page BP-2, line 22.

**Strike:** "13.29"

**Insert:** "5.02"

8. Page BP-2, line 23.

**Strike:** "17.75"

**Insert:** "7.75"

9. Page BP-2, line 24.

**Strike:** "2.00"

**Insert:** "1.00"

10. Page BP-2, line 25.

**Strike:** "13.15"

**Insert:** "9.27"

11. Page BP-3, line 1.

**Strike:** "10.61"

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Insert:** "1.00"

12. Page BP-3, line 2.

**Strike:** "16.00"

**Insert:** "2.00"

13. Page BP-3, line 3.

**Strike:** "5.25"

**Insert:** "4.00"

14. Page BP-3, line 4.

**Strike:** "1.50"

**Insert:** "0.50"

15. Page BP-3, line 5.

**Strike:** "31.30"

**Insert:** "0.65"

16. Page BP-3, line 6.

**Strike:** "10.25"

**Insert:** "7.25"

17. Page BP-3, line 7.

**Strike:** line 7 in its entirety

18. Page BP-3, line 8.

**Strike:** "1.50"

**Insert:** "1.00"

19. Page BP-3, line 9 through line 12.

**Strike:** subsection (2) in its entirety

20. Page BP-3.

**Strike:** line 17 through line 22 in their entirety

**Renumber:** subsequent sections

21. Page BP-4, following line 10.

**Insert:** "NEW SECTION. Section 12. Accruals analysis -- 2005 biennium. The legislative fiscal division shall include an analysis of accruals for budget base year fiscal year 2002 and shall include a summary table and narrative in the Legislative Fiscal Division 2005 Biennium Budget Analysis that provides a listing by agency of total accruals and the amount that is recommended to be removed from the base budget."

**Insert:** "NEW SECTION. Section 13. Energy costs reserve. A total of \$3.2 million must be set aside in the general fund for contingencies related to cost increases in electricity and natural gas expenditures by state government significantly above the amounts appropriated for this purpose in [this act] or to support litigation to secure affordable electricity or natural gas. The amount is classified as unreserved, designated general fund balance."

**Renumber:** subsequent sections

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

22. Page A-1, following line 8.

**Insert:** "a. Health Care Access (Biennial/OTO)  
29,403" [General Fund FY02]  
"b. Northwest River Governance (Biennial/OTO)  
10,000" [General Fund FY02]

23. Page A-1, following line 10.

**Insert:** "a. Legislative Finance Committee Interim Studies (Restricted/Biennial)  
19,000" [General Fund FY02]

24. Page A-2, line 2.

**Strike:** "1,106,011 1,108,068" [State Special Revenue FY02 and FY03]  
**Insert:** "1,006,011 1,008,068" [State Special Revenue FY02 and FY03]

25. Page A-2.

**Following:** line 2

**Insert:** "a. Caseload Contingency Fund (Restricted)  
200,000 200,000" [State Special Revenue FY02 and FY03]

26. Page A-2, line 11.

**Strike:** "2,860,201 2,875,865" [General Fund FY02 and FY03]  
**Insert:** "2,988,085 3,005,436" [General Fund FY02 and FY03]  
**Strike:** "183,725 183,725" [Federal Funds FY02 and FY03]  
**Insert:** "363,725 363,725" [Federal Funds FY02 and FY03]

27. Page A-2, line 16.

**Strike:** "82,182 82,182" [General Fund FY02 and FY03]  
**Insert:** "50,000 50,000" [General Funds FY02 and FY03]  
**Strike:** "190,000" [Federal Funds FY02]  
**Insert:** "100,000" [Federal Funds FY02]

28. Page A-2, following line 22.

**Insert:** "a. SB 282 -- Asbestos Court  
190,157 186,157 [General Fund FY02 and FY03]  
b. District Court Judges for Ravalli and Cascade Counties  
129,000 [General Fund FY03]  
c. State Assumption of District Courts (Restricted/Biennial)  
800,500"[General Fund in FY02]

29. Page A-3.

**Following:** line 13

**Insert:** "Item 4a contains general fund money for an asbestos court. If federal funds are received for the purpose of funding a court to manage asbestos cases, the general fund appropriation in item 4a is reduced by a like amount.  
Item 4b is contingent upon passage and approval of House Bill No. 214.  
Item 4c is contingent upon passage and approval of House Bill No. 124."

30. Page A-3, line 22.

**Strike:** "0 0" [Federal Special Revenue FY02 and FY03]

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Insert:** "29,605 30,104" [Federal Special Revenue FY02 and FY03]

31. Page A-3, line 24.

**Strike:** "1,173,706 1,176,439" [General Fund FY02 and FY03]

**Insert:** "1,234,434 1,237,063" [General Fund FY02 and FY03]

32. Page A-4.

**Following:** line 1

**Insert:** "b. Extradition and Transportation of Prisoners

177,724 178,936 [General Fund FY02 and FY03]

c. Consensus Council Matching Funds for Grants (Biennial/OTO)

75,000 75,000 [General fund FY 02 and FY 03]

d. Flathead Basin Commission -- Flathead Valley Ground Water Quality Assessment (OTO)

99,992 [Federal Special Revenue FY02]

e. Office of Economic Development

850,000 850,000" [General Fund FY02 and FY03]

33. Page A-4, line 13.

**Strike:** "3,299,912"

**Insert:** "0"

34. Page A-4, line 23.

**Strike:** "261,307 258,196" [General Fund FY02 and FY03]

**Insert:** "200,579 197,572" [General Fund FY02 and FY03]

**Strike:** "0 0" [State Special Revenue FY02 and FY03]

**Insert:** "7,200 7,200" [State Special Revenue FY02 and FY03]

35. Page A-4, line 25.

**Strike:** "29,605 30,104" [Federal Special Revenue FY02 and FY03]

36. Page A-5.

**Following:** line 13

**Insert:** "General fund money up to \$51,000 for the 2003 biennium in item 1b not used for the extradition and transportation of prisoners may be used to purchase vans for county sheriffs and peace officers to transport prisoners.

The legislature recognizes that the cost for extradition and transportation of prisoners is dependent upon factors beyond the control of the agency and may exceed the appropriation provided. In that event, the agency will need to request a supplemental appropriation from the 2003 legislature to provide required extradition and transportation of prisoners.

Item 1b and the accompanying language are contingent upon passage and approval of Senate Bill No. 328."

If Senate Bill No. 445 is not passed and approved, the appropriation in item 1b is void and the appropriation in item 4c is increased by \$1,700,000 in general fund money in fiscal year 2002.

37. Page A-6.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Following:** line 20

**Insert:** "c. SB 373 -- Licensing Captive Insurers (Restricted)  
20,000 20,000 [State Special Revenue FY02 and FY03]  
d. HB 542 -- Surplus Lines Fees (Restricted)  
52,115 49,615" [State Special Revenue FY02 and FY03]

38. Page A-7.

**Following:** line 12

**Insert:** "Item 2c is contingent upon passage and approval of Senate Bill No. 373."

39. Page A-7, line 22.

**Strike:** "16,452,584 16,520,894"[State Special Revenue in FY02 and FY03]

**Insert:** "16,468,534 16,536,844"[State Special Revenue in FY02 and FY03]

40. Page A-8, line 17.

**Strike:** "748,611 763,054"[State Special Revenue in FY02 and FY03]

**Insert:** "752,611 767,054"[State Special Revenue in FY02 and FY03]

41. Page A-8, line 19.

**Strike:** "450,000"[State Special Revenue in FY02]

**Insert:** "750,000"[State Special Revenue in FY02]

42. Page A-9, following line 4.

**Insert:** "c. Transportation of Seniors and Persons With Disabilities  
171,093 347,318"[State Special Revenue in FY02 and FY03]

43. Page A-9, following line 24.

**Insert:** "Item 5 includes \$4,000 of state special revenue in fiscal year 2002 and \$4,000 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 430.

Item 5a includes \$300,000 of state special revenue in fiscal year 2002 that is contingent upon passage and approval of Senate Bill No. 280."

44. Page A-9, following line 25.

**Insert:** "Item 6c is contingent upon passage and approval of Senate Bill No. 448."

45. Page A-10, following line 5.

**Insert:** "b. SB 512 -- Impose Electrical Energy Excess Revenue Tax (Restricted)  
123,357 124,856 [General Fund in FY02 and FY03]  
c. SB 512 -- Legal and Litigation Expenses (Restricted/Biennial)  
150,000 [General Fund in FY02]  
d. SB 512 -- Personal Computers and Computer Equipment(Restricted/OTO)  
19,000"[General Fund in FY02]

46. Page A-10, line 13.

**Strike:** "4,273,801 4,295,041"[General Fund FY02 and FY03]

**Insert:** "3,715,801 3,737,041"[General Fund FY02 and FY03]

**Strike:** "234,975 225,791"[Proprietary Fund FY02 and FY03]

**Insert:** "749,075 739,891"[Proprietary Fund FY02 and FY03]

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

47. Page A-10, line 20.

**Strike:** "~~72,644,529~~ ~~72,725,167~~" [General Fund in FY02 and FY03]

**Insert:** "17,710,137 17,790,775" [General Fund in FY02 and FY03]

48. Page A-10, following line 20.

**Insert:** "a. Salary Upgrades for Auditors (Biennial)

208,144" [General Fund FY02]

b. SB 512 -- Impose Electrical Energy Excess Revenue Tax (Restricted)

193,720 195,845 [General Fund in FY02 and FY03]

c. SB 512 -- Personal Computers (Restricted/OTO)

6,000" [General Fund in FY02]

49. Page A-11, following line 13.

**Insert:** "Items 1b, 1c, 1d, 5b, and 5c are contingent upon passage and approval of Senate Bill No. 512.

Item 4 includes a reduction of \$558,000 in general fund money in fiscal year 2002 and \$558,000 in fiscal year 2003 and an increase in proprietary funds of \$514,100 in fiscal year 2002 and \$514,100 in fiscal year 2003. These reductions and increases are contingent upon passage and approval of House Bill No. 399."

50. Page A-11, following line 16.

**Insert:** "Item 5 includes reductions of \$54,934,392 of general fund money in fiscal year 2002 and of \$54,934,392 of general fund money in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124."

51. Page A-12, line 1.

**Strike:** "52,052" [General Fund FY02]

**Insert:** "53,571" [General Fund FY02]

52. Page A-12, following line 5.

**Insert:** "d. Special Purpose District Reports 28,446 [General Fund in FY03]

e. Local Government Services Division 422,204 423,300 [General Fund FY02 and FY03]

f. Consumer Affairs Division 266,248 266,117 [General Fund FY02 and FY03]

74,505 74,503 [State Special FY02 and FY03]

g. Telemarketing/Lemon Law Programs Fund Switch (Restricted/OTO)

56,354 56,354" [General Fund FY02 and FY03]

53. Page A-12.

**Following:** line 19

**Insert:** "6. Banking and Financial Division (14) 1,485,063 1,490,815 [State Special FY02 and FY03]

a. Legislative Audit (Restricted/Biennial) 2,821 [State Special FY02]

7. Montana State Lottery (15) 8,574,656 8,904,330 [Proprietary FY02 and FY03]

a. Legislative Audit (Restricted/Biennial) 8,265 [Proprietary FY02]

b. Online Terminals (OTO) 345,000" [Proprietary FY02]

**Renumber:** subsequent subsections

54. Page A-13, line 1.

**Strike:** "~~331,812~~ ~~333,714~~"

**Insert:** "273,523 275,231"

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

55. Page A-13.

**Following:** line 16

**Insert:** "Items 1e, 1f, 1g, 6, 6a, 7, 7a, and 7b and \$1,519 of general fund money in fiscal year 2002 in item 1a are contingent upon passage and approval of Senate Bill No. 445. The department is appropriated in each of the fiscal years 2002 and 2003 up to \$500,000 of state special revenue that is deposited in the account established for the purpose of processing charter applications and for the chartering, examination, and regulation of each foreign capital depository that obtains a charter under the provisions of 32-8-205.

The department is appropriated up to \$56,354 in state special revenue authority in each year of the biennium for operations within the telemarketing and lemon law programs and shall seek and use state special revenue received from consumer affairs' settlements as authorized by a district court order to offset and minimize use of the general fund money within the telemarketing and lemon law programs, as provided in 17-2-108.

The department shall report to the 2003 legislature on the status and results related to the purchase and placement of additional online terminals funded in item 7b."

56. Page A-13, line 17.

**Strike:** "6"

**Insert:** "8"

57. Page A-13, line 22.

**Strike:** "0"[general fund in FY03]

**Insert:** "178,901"[General Fund in FY03]

58. Page A-13, line 23.

**Strike:** "178,901"[State Special Revenue in FY03]

**Insert:** "0"[State Special Revenue in FY03]

59. Page A-14, following line 2.

**Insert:** "Item 1 includes an increase of \$178,901 of general fund money in fiscal year 2003 and a reduction of \$178,901 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124."

60. Page B-1, line 4.

**Strike:** "17,887,271 18,034,422"[General Fund in FY02 and FY03]

**Insert:** "21,740,259 22,040,543"[General Fund in FY02 and FY03]

**Strike:** "3,357,733 3,377,316"[State Special Revenue in FY02 and FY03]

**Insert:** "1,127 1,129"[State Special Revenue in FY02 and FY03]

61. Page B-1, line 6.

**Strike:** "135,562,099 138,496,958" [Federal Funds FY02 and FY03]

**Insert:** "135,556,093 138,478,330" [Federal Funds FY02 and FY03]

62. Page B-1, line 9.

**Strike:** "1,312,497" [Federal Funds FY02]

**Insert:** "1,331,183" [Federal Funds FY02]

63. Page B-1, line 12.

**Strike:** "2,466,550" [Federal Funds FY02]

**Insert:** "2,489,360" [Federal Funds FY02]



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

64. Page B-1, line 15.

**Strike:** "1,123,102 1,064,997" [Federal Funds FY02 and FY03]

**Insert:** "1,139,093 1,116,468" [Federal Funds FY02 and FY03]

65. Page B-1, line 18.

**Strike:** "829,582" [Federal Funds FY02]

**Insert:** "841,394" [Federal Funds FY02]

66. Page B-1, line 21.

**Strike:** "975,979" [Federal Funds FY02]

**Insert:** "989,875" [Federal Funds FY02]

67. Page B-1, line 24.

**Strike:** "487,990" [Federal Funds FY02]

**Insert:** "494,937" [Federal Funds FY02]

68. Page B-2, line 2.

**Strike:** "1,077,633 1,021,879" [Federal Funds FY02 and FY03]

**Insert:** "1,092,974 1,071,267" [Federal Funds FY02 and FY03]

69. Page B-2, line 5.

**Strike:** "620,723" [Federal Funds FY02]

**Insert:** "629,560" [Federal Funds FY02]

70. Page B-2, line 8.

**Strike:** "585,588" [Federal Funds FY02]

**Insert:** "593,924" [Federal Funds FY02]

71. Page B-2, line 11.

**Strike:** "487,990" [Federal Funds FY02]

**Insert:** "494,937" [Federal Funds FY02]

72. Page B-2, line 14.

**Strike:** "390,392" [Federal Funds FY02]

**Insert:** "395,950" [Federal Funds FY02]

73. Page B-2, line 17.

**Strike:** "3,415,928" [Federal Funds FY02]

**Insert:** "3,464,561" [Federal Funds FY02]

74. Page B-2, line 20.

**Strike:** "780,784" [Federal Funds FY02]

**Insert:** "791,899" [Federal Funds FY02]

75. Page B-2, line 23.

**Strike:** "1,211,727 1,149,036" [Federal Funds FY02 and FY03]

**Insert:** "1,228,979 1,204,570" [Federal Funds FY02 and FY03]

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

76. Page B-3, line 1.

**Strike:** "1,011,115 261,567" [Federal Funds FY02 and FY03]

**Insert:** "1,025,510 274,209" [Federal Funds FY02 and FY03]

77. Page B-3, line 4.

**Strike:** "175,676" [Federal Funds FY02]

**Insert:** "178,178" [Federal Funds FY02]

78. Page B-3, line 7.

**Strike:** "136,794 129,717" [Federal Funds FY02 and FY03]

**Insert:** "138,742 135,986" [Federal Funds FY02 and FY03]

79. Page B-3, line 11.

**Strike:** "1,939,948" [Federal Funds FY02]

**Insert:** "1,979,874" [Federal Funds FY02]

80. Page B-3, line 14.

**Strike:** "975,979 462,743" [Federal Funds FY02 and FY03]

**Insert:** "989,875 485,107" [Federal Funds FY02 and FY03]

81. Page B-3, line 21.

**Strike:** "487,990 462,742" [Federal Funds FY02 and FY03]

**Insert:** "494,937 485,108" [Federal Funds FY02 and FY03]

82. Page B-3, line 24 and 25.

**Strike:** line 24 and line 25 in their entirety

**Insert:** "v. Children's Trust Fund (Biennial)  
250,000 250,000" [Federal Funds FY02 and FY03]

83. Page B-4, line 2.

**Strike:** "3,442,032 3,471,984"[state special revenue in FY02 and FY03]

**Insert:** "1,269,954 1,336,670"[state special revenue in FY02 and FY03]

84. Page B-4, line 3.

**Strike:** "18,195,626 19,360,361" [General Fund FY02 & FY03]

**Insert:** "20,339,215 21,541,204" [General Fund FY02 & FY03]

**Strike:** "24,060,700 24,213,980" [Federal Funds FY02 & FY03]

**Insert:** "23,954,881 24,109,036" [Federal Funds FY02 & FY03]

85. Page B-4, line 15.

**Strike:** "538,820 542,713"[General Fund in FY02 and FY03]

**Insert:** "1,134,318 1,141,783"[General Fund in FY02 and FY03]

**Strike:** "1,288,540 1,350,933"[State Special Revenue in FY02 and FY03]

**Insert:** "1,198,077 1,259,907"[State Special Revenue in FY02 and FY03]

**Strike:** "746,866 751,828"[Federal Funds FY02 and FY03]

**Insert:** "1,726,992 1,732,421"[Federal Funds FY02 and FY03]

86. Page B-4, line 19.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Strike:** "2,666,222 2,680,929" [State Special Revenue FY02 and FY03]

**Insert:** "2,798,222 2,812,929" [State Special Revenue FY02 and FY03]

**Strike:** "5,986,365 6,015,763" [Federal Funds FY02 and FY03]

**Insert:** "6,242,600 6,271,998" [Federal Funds FY02 and FY03]

87. Page B-5, line 4.

**Strike:** "57,483,855 61,672,929"[General Fund in FY02 and FY03]

**Insert:** "63,683,731 68,017,693"[General Fund in FY02 and FY03]

**Strike:** "13,905,743 14,642,885"[State Special - FY02 and FY03]

**Insert:** "7,188,743 7,780,885"[State Special - FY02 and FY03]

**Strike:** "232,273,781 247,344,430"[Federal Funds FY02/03]

**Insert:** "233,165,988 248,236,170"[Federal Funds FY02/03]

88. Page B-5, line 18.

**Strike:** "100,000" [State Special Revenue FY02]

**Insert:** "84,010" [General Fund FY02]

89. Page B-5, line 20.

**Strike:** "1,804,114 1,815,086"[General Fund in FY02 and FY03]

**Insert:** "2,006,639 2,025,415"[General Fund in FY02 and FY03]

**Strike:** "423,981 415,382"[State Special Revenue in FY02 and FY03]

**Insert:** "219,622 209,982"[State Special Revenue in FY02 and FY03]

90. Page B-6, line 1.

**Strike:** "10,385,987 10,132,250"[General Fund in FY02 and FY03]

**Insert:** "11,430,755 11,202,569"[General Fund in FY02 and FY03]

**Strike:** "2,567,695 3,167,089"[State Special Revenue in FY02 and FY03]

**Insert:** "1,530,252 2,111,463"[State Special Revenue in FY02 and FY03]

91. Page B-6, line 8.

**Strike:** "42,106,078 42,219,724"[General Fund in FY02 and FY03]

**Insert:** "42,100,426 42,214,056"[General Fund in FY02 and FY03]

92. Page B-7, line 3.

**Strike:** "49,890,155 51,783,923"[General Fund FY02/FY03]

**Insert:** "49,801,020 51,713,723"[General Fund FY02/FY03]

93. Page B-7.

**Following:** line 19

**Insert:** "i. SB 107 -- Teleconferencing During Mental Health Proceedings  
7,800 8,190" [General Fund FY02 and FY03]

94. Page B-8, line 8.

**Following:** " : "

**Insert:** "The office of budget and program planning may authorize a transfer of appropriation authority from grants or benefits and claims to another category of expenditure under one of the following conditions:  
(1) the department certifies to the office of budget and program planning that federal law or regulations require that funds appropriated in grants or benefits and claims must be expended in a different category

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

of expenditure; or

(2) the department certifies to the office of budget and program planning that there will be savings if funds appropriated in grants or benefits and claims are transferred and expended in another category of expenditure.

The office of budget and program planning shall report to the legislative finance committee on transfers approved subject to these two conditions."

95. Page B-8.

**Following:** line 16

**Insert:** "The office of budget and program planning may proportionally reduce the funding in items 1a through 1t and item 1v if any of the following conditions exist:

(1) the department certifies to the office of budget and program planning that the balance of unexpended TANF funds on June 30, 2001, is less than \$30 million;

(2) actual or projected cash assistance expenditures are greater than \$24,067,328 in fiscal year 2002 or \$23,763,854 in fiscal year 2003;

(3) the amount of TANF grant funds awarded to Montana by congress is reduced below the level anticipated by the legislature; or

(4) the department certifies to the office of budget and program planning that the reduction is necessary in order to maintain public assistance programs that were supported by federal TANF and state TANF maintenance of effort funds in fiscal year 2001."

96. Page B-8, following line 18.

**Insert:** "Item 1 includes increases of \$3,852,988 of general fund money in fiscal year 2002 and of \$4,006,121 of general fund money in fiscal year 2003 and reductions of \$3,356,606 of state special revenue in fiscal year 2002 and of \$3,376,187 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Funds in item 1 include \$68,422 in fiscal year 2002 and \$69,606 in fiscal year 2003 that the department shall use to reimburse the Montana department of corrections, Montana correctional enterprises, for costs incurred to operate the Montana food bank network canning and wild game processing facility."

97. Page B-8, line 20.

**Following:** "TRIBE"

**Insert:** "whose reservation lies"

98. Page B-9, line 4.

**Strike:** line 4 in its entirety

99. Page B-9.

**Following:** line 4

**Insert:** "The department shall transfer funds in item 1v to the children's trust fund to fund eligible child abuse and neglect prevention activities."

100. Page B-9

**Following:** line 15

**Insert:** "Item 2 includes increases of \$2,206,194 of general fund money in fiscal year 2002 and of \$2,241,893 of general fund money in fiscal year 2003 and reductions of \$2,172,078 of state special revenue in fiscal year

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

2002 and of \$2,135,314 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124."

101. Page B-9.

**Following:** line 19

**Insert:** "Item 3 includes \$1,482,291 in fiscal year 2002 and \$1,482,748 in fiscal year 2003 for the tobacco prevention and control program. It is the intent of the legislature that the interagency coordinating council on prevention administer the tobacco control and prevention program.

Item 3 includes increases of \$93,333 of general fund money in fiscal year 2002 and of \$96,915 of general fund money in fiscal year 2003 and reductions of \$90,463 of state special revenue in fiscal year 2002 and of \$91,028 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124."

102. Page B-9.

**Following:** following line 22

**Insert:** "Items 5, 9, and 10 include appropriations of state special revenue for provider rate increases funded from the interest income on the tobacco settlement trust fund provided for in Article XII, section 4, of the Montana constitution. If the interest income on the tobacco settlement trust fund provided for in Article XII, section 4, of the Montana constitution is insufficient to fully fund the state special revenue appropriations in items 5, 9, and 10, the legislature intends that the department find alternative funding sources to fully fund the provider rate increases. Alternative sources may include but are not limited to enhanced medicaid intergovernmental transfer programs and transfers of general fund money from other appropriations.

Item 5 includes increases of \$6,717,000 of general fund money in fiscal year 2002 and of \$6,862,000 of general fund money in fiscal year 2003 and reductions of \$6,717,000 of state special revenue in fiscal year 2002 and of \$6,862,000 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

The health policy and services division is authorized to pursue up to \$1.5 million in federal special revenue each year of the biennium in item 5 to enhance or improve division services or programs to public schools. This additional federal special revenue may be expended on services by the division as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated by the legislature to the division."

103. Page B-10.

**Following:** line 8

**Insert:** "Item 6 includes increases of \$211,082 of general fund money in fiscal year 2002 and of \$218,916 of general fund money in fiscal year 2003 and reductions of \$204,359 of state special revenue in fiscal year 2002 and of \$205,400 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 7 includes increases of \$1,044,768 of general fund money in fiscal year 2002 and of \$1,070,319 of general fund money in fiscal year 2003 and reductions of \$1,037,443 of state special revenue in fiscal year 2002 and of \$1,055,626 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124."

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

104. Page C-1.

**Following:** line 15

**Insert:** "c. SB 285 -- Revise Conservation License Laws (OTO)  
802,000" [State Special FY03]

105. Page C-1.

**Following:** line 24

**Insert:** "d. Echo Lake Fish Planting (OTO)  
7,500 7,500 [State Special FY02 and FY03]  
22,500 22,500" [Federal Special FY02 and FY03]

106. Page C-2.

**Following:** line 6

**Insert:** "c. HB 419 -- Create Natural Resources Enforcement Program in Attorney General's Office  
41,600 41,600" [State Special FY02 and FY03]

107. Page C-5.

**Following:** line 8

**Insert:** "Item 4c is contingent upon passage and approval of House Bill No. 419."

108. Page C-7.

**Following:** line 4

**Insert:** "d. Flathead Lake Biological Monitoring Station  
100,000" [Federal Special Revenue FY02]  
e. SB 506 -- Alternative Energy Revolving Loan Account  
60,000 60,000" [State Special FY02 and FY03]

109. Page C-8, lines 18 and 19.

**Strike:** line 18 and line 19 in their entirety

**Insert:** "g. SB 449 -- Environmental Rehabilitation and Response (Restricted/Biennial)  
125,000" [State Special FY02]

110. Page C-9.

**Following:** line 6

**Insert:** "n. SB 484 -- Hard-Rock Mining Reclamation, Operation, and Maintenance (Restricted/Biennial)  
4,000,000 [State Special FY02]  
o. SB 167 -- Sanitation in Subdivision Grants to Counties (Restricted)  
204,000 204,000" [State Special FY02 and FY03]

111. Page C-9.

**Following:** line 13

**Insert:** "Item 2d is contingent upon receipt of environmental protection agency 104b(3) ecosystem protection grant funds for the purposes of water quality monitoring and assessment activities. Upon receipt, the department shall contract with the Flathead Lake biological monitoring station for up to \$100,000 of these funds in support of department priority total maximum daily load monitoring and assessment projects.

Item 2e is contingent upon passage and approval of Senate Bill No. 506. The funds appropriated in item 2d are from the alternative energy revolving loan account created in Senate Bill No. 506. The funding

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

must be spent for administration of the loan program subject to restrictions provided in Senate Bill No. 506."

112. Page C-9.

**Following:** line 24

**Insert:** "Item 5g is contingent upon passage and approval of Senate Bill No. 449."

113. Page C-10.

**Following:** line 4

**Insert:** "Item 5n is contingent upon passage and approval of Senate Bill No. 484.

Item 5o is contingent upon passage and approval of Senate Bill No. 167."

114. Page C-10.

**Following:** line 15

**Insert:** "c. Board of Horseracing 237,913 241,877 [State Special FY02 and FY03]

d. Legislative Audit -- Board of Horseracing (Restricted/Biennial)450" [State Special FY02]

115. Page C-12.

**Following:** line 9

**Insert:** "Items 1c and 1d are contingent upon passage and approval of Senate Bill No. 445."

116. Page C-12, line 19.

**Following:** "Restricted"

**Strike:** "OTO"

117. Page C-13, line 9.

**Strike:** "150,000" [General Fund FY02]

**Insert:** "140,000" [General Fund FY02]

118. Page C-14, line 2.

**Strike:** "1,078,253 1,051,340" [State Special FY02 and FY03]

**Insert:** "1,016,253 1,019,340" [State Special FY02 and FY03]

119. Page C-14.

**Following:** line 13

**Insert:** "f. Broadwater Hydropower Facility (OTO)

62,000 32,000 [State Special FY02 and FY03]

g. HB 397 -- Clark Fork River Task Force (OTO)

120,000" [State Special Revenue FY03]

120. Page C-15.

**Following:** line 16

**Insert:** "k. SB 31 -- Revise State Trust Land Laws

5,000 5,000 [State Special FY02 and FY03]

l. SB 354 -- Full Compensation for School Trust for Natural Areas

35,000 [State Special Revenue FY03]

m. SB 495 -- Purchase of Public School Fund Mineral Production Rights (Restricted/Biennial/OTO)

75,000,000" [General Fund FY02]

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

121. Page C-15.

**Following:** line 21

**Insert:** "All remaining proceeds in excess of \$100 million in the resource indemnity trust, up to \$100,000, must be appropriated in fiscal year 2003 to the department based upon a split of two-thirds for conservation district grant projects and one-third for irrigation grants. The appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. Upon meeting the contingency in fiscal year 2003, the office of budget and program planning is authorized to transfer up \$100,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for these purposes. Further, the cash for these purposes cannot be transferred until \$500,000 has been transferred for the purpose of weed eradication, \$540,000 has been transferred for the purpose of purchasing securities for water treatment at the former Zortman and Landusky mines, and \$120,000 has been transferred to conduct the Clark Fork study."

122. Page C-17.

**Following:** line 6

**Insert:** "Item 4g is contingent upon passage and approval of House Bill No. 397. Item 4g is an appropriation from state special revenue funds in fiscal year 2003 that have been transferred from the resource indemnity trust fund. The appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. Upon meeting the contingency in fiscal year 2003, the office of budget and program planning is authorized to transfer the \$120,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for this purpose. The cash for this purpose cannot be transferred until \$500,000 has been transferred for the purpose of weed eradication and \$540,000 has been transferred for the purpose of purchasing securities for water treatment at the former Zortman and Landusky mines.

State special revenue appropriations in item 6 may be used for firefighting costs. It is the intent of the legislature to replace any state special revenue expenditures with a general fund supplemental appropriation in the next legislative session."

123. Page C-17.

**Following:** line 11

**Insert:** "Item 6k is contingent upon passage and approval of Senate Bill No. 31.

Item 6l is contingent upon passage and approval of Senate Bill No. 354.

Item 6m is limited to the amount borrowed from the coal tax permanent fund and may be used only for the purpose of purchasing public school fund mineral production rights from the trust and legacy account."

124. Page C-17, line 23.

**Strike:** "4,454,865 4,437,272" [State Special FY02 and FY03]

**Insert:** "4,554,865 4,537,272" [State Special FY02 and FY03]

125. Page C-18.

**Following:** line 6

**Insert:** "e. SB 326 -- Weed Control Program (Restricted/OTO) 500,000" [State Special FY03]

126. Page C-19.

**Following:** line 4

**Insert:** "Item 2 contains \$100,000 each year of the 2003 biennium from the department of transportation highway state special revenue fund for use in the weed control program. This appropriation is contingent upon passage and approval of Senate Bill No. 326."



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

127. Page C-19.

**Following:** line 6

**Insert:** "Item 2e contains a \$500,000 appropriation in fiscal year 2003 from state special revenue funds that are to be transferred from the resource indemnity trust fund. The \$500,000 appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. Upon meeting the contingency in fiscal year 2003, the office of budget and program planning is authorized to transfer the \$500,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for this purpose. Item 2e is contingent upon passage and approval of Senate Bill No. 326."

128. Page C-19.

**Strike:** line 9 through line 12 in their entirety

**Strike:** line 14 through line 17 in their entirety

**Strike:** line 19 through line 21 in their entirety

129. Page C-19, line 24.

**Strike:** "147,755 149,021"

**Insert:** "119,300 120,469"

130. Page C-20, line 5.

**Strike:** "1,165,124 1,171,914" [General Fund FY02 and FY03]

**Insert:** "1,179,577 1,186,368" [General Fund FY02 and FY03]

131. Page C-20, line 14.

**Strike:** "435,473 440,266 [General Fund FY02 and FY03] 1,835,393 1,895,408" [State Special FY02 and FY03]

**Insert:** "430,411 435,204 [General Fund FY02 and FY03] 1,885,393 1,945,408" [State Special FY02 and FY03]

132. Page C-20.

**Strike:** line 20 through line 23 in their entirety

**Strike:** line 25 in its entirety

133. Page C-21.

**Strike:** line 1 through line 5 in their entirety

**Strike:** line 12 through line 18 in their entirety

**Strike:** line 20 through line 23 in their entirety

**Strike:** line 25 in its entirety

134. Page C-22.

**Strike:** line 1 through line 5 in their entirety

135. Page C-22, line 8.

**Strike:** "18,721 [General Fund FY02]

11,913 [State Special FY02]

8,973" [Proprietary FY02]

**Insert:** "14,389 [General Fund FY02]

1,701 [State Special FY02]

0" [Proprietary FY02]

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

136. Page C-22, line 10.

**Strike:** "70,338" [State Special FY03]

**Insert:** "57,838" [State Special FY03]

137. Page C-22, line 12.

**Strike:** "10,000 32,000" [State Special FY02 and FY03]

**Insert:** "0 30,000" [State Special FY02 and FY03]

138. Page C-22.

**Strike:** line 18 through line 19 in their entirety

139. Page C-22.

**Following:** line 24

**Insert:** "The reduction in funding for items 1, 2, 3, 8, 9, 11, 12, and 13 are contingent upon passage and approval of Senate Bill No. 445. If Senate Bill No. 445 is not passed and approved, the department is appropriated \$746,325 in general fund money, \$11,179,874 in state special revenue, and \$8,927,921 in proprietary authority in fiscal year 2002 and \$745,771 in general fund money, \$11,104,944 in state special revenue, and \$8,904,330 in proprietary authority in fiscal year 2003. The allocation among divisions and the realignment of language associated with the reallocation will be outlined in the Legislative Fiscal Division's 2003 Biennium Legislative Fiscal Report if Senate Bill No. 445 is not passed and approved."

140. Page C-23.

**Strike:** line 12 through line 19 in their entirety

141. Page D-1, line 5.

**Strike:** "856,271 867,926" [General Fund FY02 and FY03]

**Insert:** "678,872 691,889" [General Fund FY02 and FY03]

142. Page D-1.

**Strike:** lines 10 and 11 in their entirety

**Renumber:** subsequent subsection

143. Page D-2, line 1.

**Strike:** "2,495,448 2,513,448"

**Insert:** "2,672,847 2,689,485"

144. Page D-2, following line 3.

**Insert:** "b. Crime Victim Benefits (Biennial)

579,398 581,300 [General Fund FY02 and FY03]

225,000 225,000 [Federal Fund FY02 and FY03]

c. HB 419 -- Natural Resources Enforcement Program  
41,600 41,600" [State Special Revenue FY02 and FY03]

145. Page D-2, line 5.

**Strike:** "0 0" [Proprietary Fund FY02 and FY03]"

**Insert:** "611,103 613,766" [Proprietary Fund FY02 and FY03]"

146. Page D-2, line 6.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Strike:** "947,203 949,866"[General Fund FY02 and FY03]  
**Insert:** "380,000 380,000"[General Fund FY02 and FY03]

147. Page D-2, line 9.

**Strike:** "8,186,167"[General Fund in FY02]  
**Insert:** "8,191,905"[General Fund in FY02]

148. Page D-2, following line 9.

**Insert:** "a. HB 577 -- Motor Vehicle IT Account (Biennial)  
960,000 [State Special Revenue]  
b. SB 334 -- Driver Rehabilitation and Improvement Program  
33,148 32,778" [State Special Revenue FY02 and FY03]

149. Page D-2, following line 12.

**Insert:** "a. SB 358 -- Access to Traffic Accident Reports  
16,574 13,946 [State Special Revenue FY02 and FY03]  
b. HB 256 -- Reckless or Careless Driving  
12,073 12,073"[General Fund FY02 and FY03]

150. Page D-3, line 4.

**Strike:** "2,793,463 2,807,583"  
**Insert:** "2,700,395 2,714,182"

151. Page D-3.

**Strike:** lines 5 and 6 in their entirety  
**Renumber:** subsequent subsection

152. Page D-3, following line 10.

**Insert:** "a. HB 359 -- Expand Collection of DNA Evidence  
24,150 24,150"[General Fund FY02 and FY03]

153. Page D-3, following line 24.

**Insert:** "Item 1c is contingent upon passage and approval of House Bill No. 419."

154. Page D-4, following line 5.

**Insert:** "Item 2 includes a reduction of \$567,203 in general fund money in fiscal year 2002 and \$569,866 in fiscal year 2003 and an increase in proprietary funds of \$611,103 in fiscal year 2002 and \$613,766 in fiscal year 2003. These reductions and increases are contingent upon passage and approval of House Bill No. 399."

155. Page D-4, following line 8.

**Insert:** "Item 3 includes \$5,738 of general fund money in fiscal year 2002 that is contingent upon passage and approval of House Bill No. 124.

Item 3a is contingent upon passage and approval of House Bill No. 577 and is for:

- (1) debt service payments or repayment of any loan incurred for the creation of a new information technology system for motor vehicles; or
- (2) payment of costs directly incurred in the creation and support of the new motor vehicle information technology system.

Item 4a is contingent upon passage and approval of Senate Bill No. 358.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Item 4b is contingent upon passage and approval of House Bill No. 256."

156. Page D-4.

**Strike:** line 19 through line 23 in their entirety

157. Page D-4, following line 23.

**Insert:** "If Senate Bill No. 328 is not passed and approved, the extradition and transportation of prisoners program will remain in the department of justice as program 30 and there is appropriated \$177,724 of general fund money in fiscal year 2002 and \$178,936 of general fund money in fiscal year 2003. In addition, if Senate Bill No. 328 is not passed and approved, the amendment to the reference copy of [this act] striking the language accompanying the extradition and transportation of prisoners program in the department of justice is void."

158. Page D-4, line 24.

**Strike:** "11"

**Insert:** "10"

159. Page D-4, following line 25.

**Insert:** "Item 10a is contingent upon passage and approval of House Bill No. 359."

160. Page D-5, line 6.

**Strike:** "2,450,387 2,430,951"[State Special Revenue FY02 & 03]

**Insert:** "2,525,654 2,505,912"[State Special Revenue FY02 & 03]

161. Page D-5, line 25.

**Strike:** "14,800,869 14,409,598"

**Insert:** "14,797,936 14,406,654"

162. Page D-6, line 7.

**Strike:** "32,634,379 34,358,528"

**Insert:** "32,621,208 34,345,320"

163. Page D-6, line 9.

**Strike:** "51,083,654"[General Fund Fiscal 2003]

**Insert:** "47,083,654"[General Fund Fiscal 2003]

164. Page D-7.

**Strike:** line 8 in its entirety

165. Page D-7, following line 8.

**Insert:** "If Senate Bill No. 489 is not passed and approved, general fund money in item 3 is increased by \$4 million in fiscal year 2003."

166. Page D-7.

**Following:** line 20

**Insert:** "d. SB 322 -- Natural Resource Worker Education and Retraining 150,000" [State Special FY03]

167. Page D-8.

**Following:** line 15

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Insert:** "5. Professional and Occupational Licensing (05)                      5,272,276    5,202,573 [State Special FY02 and FY03]  
    a. Legal Contingency (Restricted/OTO)  
    70,000        70,000 [State Special FY02 and FY03]  
    6. Weights and Measures Bureau (06)                      678,238    679,843 [State Special FY02 and FY03]  
    a. Legislative Audit (Restricted/Biennial)  
    1,573" [State Special FY02]

**Renumber:** subsequent subsections

168. Page D-8.

**Following:** line 20

**Insert:** "8. Building Codes Bureau (08)  
    3,278,325    3,295,263 [State Special FY02 and FY03]  
    a. Legislative Audit (Restricted/Biennial)  
    6,427 [State Special FY02]  
    b. Building Codes Vehicle Replacement (OTO)  
    45,118    46,118" [State Special FY02 and FY03]"

**Renumber:** subsequent subsection

169. Page D-9, line 6.

**Following:** "for"

**Strike:** "these"

**Insert:** "centralized services"

170. Page D-9.

**Following:** line 7

**Insert:** "Item 1d is contingent upon passage and approval of Senate Bill No. 322."

171. Page D-9.

**Following:** line 18

**Insert:** "The professional and occupational licensing staff and operating budget designated as proprietary will transfer into this department with professional and occupational licensing (05)."

Items 5, 5a, 6, 6a, 8, 8a, and 8b are contingent upon passage and approval of Senate Bill No. 445.

It is the intent of the legislature that the internal service rates charged for program 05, program 06, and program 08 will be approximately 9% and 10% of a program's actual personal services costs incurred in fiscal year 2002 and fiscal year 2003.

The department shall report to the 2003 legislature on options for a fleet management plan to stabilize vehicle replacement costs within the building codes division.

Item 8 contains state special revenue authority of \$70,389 in fiscal year 2002 and \$52,889 in fiscal year 2003, including funding for 1.5 full-time equivalent employees each year, that is contingent upon passage and approval of House Bill No. 437.

Item 8 contains state special revenue authority of \$100,925 in fiscal year 2002 and \$151,950 in fiscal year

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

2003, including funding for 1.5 full-time equivalent employees in fiscal year 2002 and 3 full-time equivalent employees in fiscal year 2003, that is contingent upon passage and approval of Senate Bill No. 242."

172. Page D-10.

**Following:** line 25

**Insert:** "b. Firefighters Retirement (Restricted/Biennial) 5,686" [Federal Special FY02]

173. Page D-12.

**Following:** line 8

**Insert:** "Item 5b is contingent upon passage and approval of Senate Bill No. 289."

174. Page E-1, line 6.

**Strike:** "169,100 169,178" [State Special Revenue FY02 & FY03]

**Insert:** "181,100 181,178" [State Special Revenue FY02 & FY03]

**Strike:** "4,291,310 4,311,387" [General Fund in FY01 and FY03]

**Insert:** "4,328,810 4,323,887" [General Fund in FY01 and FY03]

175. Page E-1, line 25.

**Strike:** "432,677,022 440,553,781" [General Fund FY02 and FY03]

**Insert:** "440,776,000 443,890,000" [General Fund FY02 and FY03]

176. Page E-2, lines 7 and 8.

**Strike:** lines 7 and 8 in their entirety

**Renumber:** subsequent subsections

177. Page E-3, following line 12.

**Insert:** "p. SB 390 -- Transfer to School Flexibility Account (Restricted/Biennial/OTO)

5,000,000 [General Fund FY03]

q. School Flexibility Account (Restricted/Biennial/OTO) 5,083,000" [State Special FY03]

178. Page E-4, following line 7.

**Insert:** "Item 1 includes \$37,500 of general fund money in fiscal year 2002 and \$12,500 of general fund money in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124."

179. Page E-4, line 11.

**Strike:** "2k"

**Insert:** "2j"

**Strike:** "2M"

**Insert:** "2l"

**Strike:** "2P"

**Insert:** "2o"

180. Page E-4, lines 12 and 13.

**Strike:** lines 12 and 13 in their entirety.

181. Page E-4, following line 13.

**Insert:** "Money deposited in the general fund for fiscal year 2001 under 20-9-343(3)(a)(ii) must be transferred to

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

the school technology account in the state special revenue fund in fiscal year 2002.

If House Bill No. 41 is not passed and approved in the form that statutorily appropriates timber harvest funds to schools for technology acquisitions, there is a restricted, biennial general fund appropriation of \$1,250,000 in fiscal year 2002 and \$1,600,000 in fiscal year 2003. In addition, if House Bill No. 41 is not passed and approved, the amendment to the reference copy of [this act] striking the language accompanying the timber harvest appropriation and inserting language is void."

182. Page E-4, line 14

**Strike:** "2f"

**Insert:** "2e"

183. Page E-4, lines 14 and 15.

**Following:** "costs of" on line 14

**Strike:** remainder of line 14 through "services" on line 15

**Insert:** "children with significant behavioral or physical needs"

184. Page E-4, following line 15.

**Insert:** "If Senate Bill No. 495 is enjoined before April 1, 2002, items 2p and 2q are void."

185. Page E-4, line 17 through page E-5, line 3.

**Strike:** line 17 on page E-4 through line 3 on page E-5 in their entirety

186. Page E-6, line 14.

**Strike:** "1,832,762 1,833,174"

**Insert:** "1,891,051 1,891,657"

187. Page E-8, line 4.

**Strike:** "470,348" [State Special FY02]

**Insert:** "495,348" [State Special FY02]

188. Page E-8, line 6.

**Strike:** "140,487" [State Special FY02]

**Insert:** "115,487" [State Special FY02]

**Strike:** "475,000" [Federal Special FY02]

**Insert:** "0" [Federal Special FY02]

189. Page E-8, line 8.

**Strike:** "0" [Federal Special FY02]

**Insert:** "475,000" [Federal Special FY02]

190. Page E-11, line 9.

**Strike:** "24,000 48,000" [State Special Revenue FY02/03]

**Insert:** "0 0" [State Special Revenue FY02/03]

191. Page E-11, line 14.

**Strike:** "5,646,013 5,674,378" [FY02 & FY03 General Fund]

**Insert:** "5,651,748 5,679,546" [FY02 & FY03 General Fund]

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

192. Page E-11, line 23.

**Strike:** "12,426,336 12,594,548"[State Special Revenue in FY02 and FY03]

**Insert:** "12,232,248 12,400,460"[State Special Revenue in FY02 and FY03]

193. Page E-11, line 24.

**Strike:** "99,963,345 100,475,675" [FY02 & FY03 General Fund]

**Insert:** "99,801,741 100,312,988" [FY02 & FY03 General Fund]

194. Page E-12, line 6.

**Strike:** "9,672,791 9,708,352" [FY02 & FY03 General Fund]

**Insert:** "9,830,460 9,866,810" [FY02 & FY03 General Fund]

195. Page E-12, line 11.

**Strike:** "3,988,784 4,004,537" [FY02 & FY03 General Fund]

**Insert:** "4,087,026 4,102,993" [FY02 & FY03 General Fund]

196. Page E-12.

**Following:** line 11

**Insert:** "f. Montana Beef Network (Restricted/Biennial/OTO)

90,000 [FY02 General Fund]

90,000" [FY03 General Fund]

**Renumber:** subsequent subsections

197. Page E-12, line 13.

**Strike:** "897,300 900,600" [FY02 & FY03 General Fund]

**Insert:** "897,428 900,784" [FY02 & FY03 General Fund]

198. Page E-12, line 16.

**Strike:** "1,524,204 1,529,018" [FY02 & FY03 General Fund]

**Insert:** "1,533,807 1,538,621" [FY02 & FY03 General Fund]

199. Page E-12, line 18.

**Strike:** "497,580 507,176" [FY02 & FY03 General Fund]

**Insert:** "497,630 507,250" [FY02 & FY03 General Fund]

200. Page E-12, lines 19 and 20.

**Strike:** line 19 through line 20 in their entirety

201. Page E-12.

**Following:** line 20

**Insert:** "j. Flathead Lake Biological Station -- University of Montana-Missoula (Restricted/Biennial/OTO)

100,000 [FY02 General Fund]

100,000"[FY03 General Fund]

**Insert:** "8. Tribal College Assistance for Program (11) (Biennial)"

100,000" [General Fund FY02]

**Renumber:** subsequent subsections

202. Page E-14, line 17.



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Strike:** "\$110,421,986"

**Insert:** "\$110,420,878"

**Strike:** "\$109,776,960"

**Insert:** "\$109,775,339"

203. Page E-15, following line 1.

**Insert:** "Item 7 includes increases of \$194,088 of general fund money in fiscal year 2002 and of \$194,088 of general fund money in fiscal year 2003 and reductions of \$194,088 of state special revenue in fiscal year 2002 and of \$194,088 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124."

204. Page E-16, line 7.

**Strike:** "\$2,122,369"

**Insert:** "\$2,022,369"

**Strike:** "\$2,130,499"

**Insert:** "\$2,030,499"

205. Page E-16, line 8.

**Strike:** "\$993,627"

**Insert:** "\$937,627"

**Strike:** "\$998,135"

**Insert:** "\$942,135"

206. Page E-16.

**Following:** line 15

**Insert:** "General fund money of \$90,000 each year of the 2003 biennium in item 7f is a biennial, one-time-only appropriation for one staff person and for expenses for the Montana beef network within the extension service."

207. Page E-16, line 17.

**Following:** "item"

**Strike:** "7f"

**Insert:** "7g"

208. Page E-16, line 19.

**Following:** "item"

**Strike:** "7g"

**Insert:** "7h"

209. Page E-16, line 21.

**Following:** "item"

**Strike:** "7h"

**Insert:** "7i"

210. Page R-6.

**Following:** line 16

**Insert:** "e. SB 445 Indirect Costs - The department is authorized to spend up to \$294,208 in fiscal year 2002 and \$296,509 in fiscal year 2003 (proprietary funds) to implement the reorganization specified in Senate Bill

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

No. 445."

211. Page R-9.

**Strike:** line 18 through line 19 in their entirety

**Renumber:** subsequent subsections

212. Page R-9, line 21.

**Strike:** "1.38% 1.38%"

**Insert:** "1.70% 1.70%"

213. Page R-9, line 24.

**Strike:** "\$2,765,200 \$2,710,200"

**Insert:** "\$2,860,200 \$2,805,200"

214. Page R-10, line 1.

**Strike:** "10.25% 10.25%"

**Insert:** "15.50% 15.50%"

215. Page R-10.

**Following:** line 6

**Insert:** "1. Secure Facilities

a. Cook/chill rate to MSP	\$1.80/meal	\$1.78/meal
b. Cook/chill rate to MSH	\$1.83/meal	\$1.82/meal
c. Cook/chill rate to TSCTC	\$1.83/meal	\$1.81/meal
d. Cook/chill rate to Riverside	\$2.79/meal	\$2.86/meal
e. Cook/chill rate to DUI facility	\$1.86/meal	\$1.84/meal
f. Cook/chill rate to Helena prerelease	\$2.43/meal	\$2.47/meal"

**Renumber:** subsequent subsection

216. Page R-10.

**Following:** line 13

**Insert:** "2. Professional and Occupational Licensing

a. House Bill No. 2 Programs Recharge Rate 38% 38%"

For the House:

Vick, Chairman  
Lewis  
McCann

For the Senate:

Keenan, Chairman  
Nelson  
Zook

FREE CONFERENCE COMMITTEE  
on House Bill 5  
Report No. 3, April 20, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 5**, met April 20, 2001 and considered:

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

1. Senate Committee on Finance amendments to third reading copy, dated April 7, 2001.

We recommend that **House Bill 5** (reference copy – salmon) be amended as follows:

1. Page 2.

**Following:** line 19

**Insert:** "Chemistry Building Addition, UM-Missoula 3,200,000 [Other Funding Sources] Federal, Donations, Grants, Nonstate Funds, Plant Funds"

**Insert:** "All operating and maintenance expenses of the chemistry building addition are to be paid by the university of Montana-Missoula. Appropriation authority in excess of funds pledged for this project as of June 30, 2003, must be reverted."

2. Page 3.

**Following:** line 17

**Insert:** "Appropriation authority in excess of funds pledged for this project as of June 30, 2005, must be reverted. All operating and maintenance expenses of the school of journalism building are to be paid by the university of Montana-Missoula."

3. Page 3, line 19.

**Strike:** "2,000,000"

**Insert:** "3,000,000"

4. Page 4.

**Following:** line 12

**Insert:** "The legislature consents to the construction of the good shepherd chapel at the Montana developmental center in Boulder with donated funds. The construction of the chapel is exempt from provisions of Title 18."

For the House:

Vick, Chairman  
McCann

For the Senate:

Tash, Chairman  
Stapleton  
Tester

FREE CONFERENCE COMMITTEE  
on House Bill 474  
Report No. 1, April 20, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 474**, met April 20, 2001, and considered:

1. Senate Committee on Energy and Telecommunications amendments to third reading copy, dated April 9, 2001.

We recommend that **House Bill 474** (reference copy – salmon) be amended as follows:

1. Title, line 8.

**Strike:** "A LIMITED"

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Insert:** "AN"

2. Title, line 18.

**Following:** "SUPPLIER"

**Insert:** "OR A MONTANA INDUSTRY"

3. Title, line 21.

**Following:** "SUPPLIER;"

**Insert:** "EXTENDING THE DURATION OF THE UNIVERSAL SYSTEM BENEFITS CHARGE;"

4. Title, line 22.

**Following:** line 21

**Insert:** "CREATING A CONSUMER ELECTRICITY SUPPORT PROGRAM; PROVIDING THAT AN ELECTRICITY BUYING COOPERATIVE MAY SERVE AS A SUPPLIER OR PROMOTER OF ALTERNATIVE ENERGY AND CONSERVATION PROGRAMS; DEFINING "ELECTRICITY SUPPLY COSTS"; CLARIFYING THE DEFINITION OF "UNIVERSAL SYSTEM BENEFITS PROGRAMS" TO INCLUDE IRRIGATED AGRICULTURE; PROVIDING FOR PROCEDURES FOR A TRANSITION TO CUSTOMER CHOICE; PROVIDING FOR THE DEFAULT SUPPLIER'S RECOVERY OF ELECTRICITY SUPPLY COSTS; REVISING THE UNIVERSAL SYSTEM BENEFITS PROGRAMS FUNDING LEVEL TO INCLUDE IRRIGATED AGRICULTURE; ESTABLISHING A MONTANA POWER AUTHORITY; ALLOWING THE AUTHORITY TO PURCHASE, CONSTRUCT, AND OPERATE ELECTRICAL GENERATION FACILITIES OR ELECTRICAL ENERGY TRANSMISSION OR DISTRIBUTION SYSTEMS AND TO ENTER INTO JOINT VENTURES FOR THESE PURPOSES; AUTHORIZING THE BOARD OF EXAMINERS TO ISSUE REVENUE BONDS FOR THE MONTANA POWER AUTHORITY TO ACQUIRE ELECTRICAL GENERATION FACILITIES AND TO BUILD ELECTRICAL ENERGY TRANSMISSION OR DISTRIBUTION SYSTEMS; PROVIDING THAT THE PRINCIPAL AND INTEREST ON THE BONDS IS PAYABLE FROM THE SALE OF ELECTRICAL ENERGY FROM THE FACILITIES AND FROM ELECTRICAL ENERGY TRANSMISSION AND DISTRIBUTION CHARGES; "

**Following:** "SECTIONS"

**Insert:** "17-7-502, 35-19-104, 69-8-103, 69-8-104,"

**Following:** "69-8-201"

**Strike:** "AND 69-8-416"

**Insert:** ", 69-8-203, 69-8-210, 69-8-211, 69-8-402, 69-8-403, 69-8-412, AND 69-8-414"

5. Title, line 23.

**Following:** "MCA;"

**Insert:** "REPEALING SECTIONS 35-19-103, 69-8-416, AND 69-8-417, MCA;"

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES"

6. Page 5, line 12.

**Strike:** "250"

**Insert:** "450"

7. Page 5, line 21.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**Following:** line 20

**Insert:** "(2) "Montana industry" means a commercial enterprise located within Montana that would have consumed more than 5 megawatts of electrical energy on an average during the last 12 months if the enterprise had not closed due to electrical prices."

**Renumber:** subsequent subsection

8. Page 5, line 23.

**Following:** "15 U.S.C. 79Z-5A"

**Insert:** ", or as provided for in 16 U.S.C. 796(17)(A)"

9. Page 6, line 14.

**Following:** "SUPPLIER"

**Insert:** "or a Montana industry"

10. Page 6, line 16.

**Following:** "ASSIGNEE"

**Insert:** "or a Montana industry"

11. Page 6, line 18.

**Following:** "SUPPLIER"

**Insert:** "or a Montana industry"

12. Page 6, line 22.

**Following:** "INTEREST"

**Insert:** "or with a Montana industry"

13. Page 6, line 25.

**Insert:** "**Section 6.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; [section 19]; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

**Insert: "Section 7.** Section 35-19-104, MCA, is amended to read:

**"35-19-104. Permissible purpose of incorporation.** A buying cooperative may be organized under this chapter only for the purpose of supplying electricity to small customers as ~~a default~~ an electrical energy supplier, pursuant to ~~69-8-403~~ Title 69, chapter 8, parts 1 through 5, or for serving as a supplier or promoter of alternative energy and conservation programs."

**Insert: "Section 8.** Section 69-8-103, MCA, is amended to read:

**"69-8-103. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Aggregator" or "market aggregator" means an entity, licensed by the commission, that aggregates retail customers, purchases ~~electric~~ electrical energy, and takes title to ~~electric~~ electrical energy as an intermediary for sale to retail customers.

(2) "Assignee" means any entity, including a corporation, partnership, board, trust, or financing vehicle, to which a utility assigns, sells, or transfers, other than as security, all or a portion of the utility's interest in or right to transition property. The term also includes an entity, corporation, public authority, partnership, trust, or financing vehicle to which an assignee assigns, sells, or transfers, other than as security, the assignee's interest in or right to transition property.

(3) "Board" means the board of investments created by 2-15-1808.

(4) "Broker" or "marketer" means an entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of ~~electric~~ electrical energy but that does not take title to ~~electric~~ electrical energy.

(5) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(6) "Customer" or "consumer" means a retail electric customer or consumer. The university of Montana, pursuant to 20-25-201(1), and Montana state university, pursuant to 20-25-201(2), are each considered a single retail electric customer or consumer with a single individual load.

(7) "Customer-generator" means a user of a net metering system.

(8) "Default supplier" means a customer's distribution services provider ~~or a person that has received a default supplier license from the commission.~~

(9) "Distribution facilities" means those facilities by and through which electricity is received from a transmission services provider and distributed to the customer and that are controlled or operated by a distribution services provider.

(10) "Distribution services provider" means a utility owning distribution facilities for distribution of electricity to the public.

(11) "Electricity supplier" means any person, including aggregators, market aggregators, brokers, and marketers, offering to sell electricity to retail customers in the state of Montana.

(12) (a) "Electricity supply costs" means actual costs of the electricity. Actual costs include fuel, ancillary service costs, transmission costs including congestion and losses, and any other costs directly related to the purchase of electricity and management of electricity costs or a related service.

(b) Revenue from the sale of surplus electricity must be deducted from the costs included under subsection

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

(12)(a). Total transmission costs are recoverable only once in electricity supply costs.

(c) The terms used in this subsection (12) must be construed according to industry standards.

~~(12)~~(13) "Financing order" means an order of the commission adopted in accordance with 69-8-503 that authorizes the imposition and collection of fixed transition amounts and the issuance of transition bonds.

~~(13)~~(14) (a) "Fixed transition amounts" means those nonbypassable rates or charges, including but not limited to:

- (i) distribution;
- (ii) connection;
- (iii) disconnection; and

(iv) termination rates and charges that are authorized by the commission in a financing order to permit recovery of transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and of acquiring transition property through a plan approved by the commission in the financing order, including the costs of issuing, servicing, and retiring transition bonds.

(b) If requested by the utility in the utility's application for a financing order, fixed transition amounts must include nonbypassable rates or charges to recover federal and state taxes in which the transition cost recovery period is modified by the transactions approved in the financing order.

~~(14)~~(15) "Functionally separate" means a utility's separation of the utility's electricity supply, transmission, distribution, and unregulated retail energy services assets and operations.

~~(15)~~(16) "Interested person" means a retail electricity customer, the consumer counsel established in 5-15-201, the commission, or a utility.

~~(16)~~(17) "Large customer" means, for universal system benefits programs purposes, a customer with an individual load greater than a monthly average of 1,000 kilowatt demand in the previous calendar year for that individual load.

~~(17)~~(18) "Local governing body" means a local board of trustees of a rural electric cooperative.

~~(18)~~(19) "Low-income customer" means those energy consumer households and families with incomes at or below industry-recognized levels that qualify those consumers for low-income energy-related assistance.

~~(19)~~(20) "Net metering" means measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period.

~~(20)~~(21) "Net metering system" means a facility for the production of ~~electric~~ electrical energy that:

- (a) uses as its fuel solar, wind, or hydropower;
- (b) has a generating capacity of not more than 50 kilowatts;
- (c) is located on the customer-generator's premises;
- (d) operates in parallel with the distribution services provider's distribution facilities; and
- (e) is intended primarily to offset part or all of the customer-generator's requirements for electricity.

~~(21)~~(22) "Nonbypassable rates or charges" means rates or charges that are approved by the commission and imposed on a customer to pay the customer's share of transition costs or universal system benefits programs costs even if the customer has physically bypassed either the utility's transmission or distribution facilities.

~~(22)~~(23) "Pilot program" means a program using a representative sample of residential and small commercial customers to assist in developing and offering customer choice of electricity supply for all residential and commercial customers.

~~(23)~~(24) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on May 2, 1997, including the public utility's successors or assignees.

~~(24)~~(25) "Qualifying load" means, for payments and credits associated with universal system benefits programs, all nonresidential demand-metered accounts of a large customer within the utility's service territory in which the customer qualifies as a large customer.

~~(25)~~(26) "Small customer" means a residential customer or a small commercial customer who has an individual account with an average monthly demand in the previous calendar year of less than 100 kilowatts or a new commercial customer with an estimated average monthly demand of less than 100 kilowatts of a public utility

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

distribution services provider that has opened access on its distribution system pursuant to Title 35, chapter 19, or this chapter.

~~(26)~~(27) "Transition bondholder" means a holder of transition bonds, including trustees, collateral agents, and other entities acting for the benefit of that holder.

~~(27)~~(28) "Transition bonds" means any bond, debenture, note, interim certificate, collateral, trust certificate, or other evidence of indebtedness or ownership issued by the board or other transition bonds issuer that is secured by or payable from fixed transition amounts or transition property. Proceeds from transition bonds must be used to recover, reimburse, finance, or refinance transition costs and to acquire transition property.

~~(28)~~(29) "Transition charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of transition costs.

~~(29)~~(30) "Transition cost recovery period" means the period beginning on July 1, 1998, and ending when a utility customer does not have any liability for payment of transition costs.

~~(30)~~(31) "Transition costs" means:

(a) a public utility's net verifiable generation-related and electricity supply costs, including costs of capital, that become unrecoverable as a result of the implementation of this chapter or of federal law requiring retail open access or customer choice;

(b) those costs that include but are not limited to:

(i) regulatory assets and deferred charges that exist because of current regulatory practices and can be accounted for up to the effective date of the commission's final order regarding a public utility's transition plan and conservation investments made prior to universal system benefits charge implementation;

(ii) nonutility and utility power purchase contracts, including qualifying facility contracts;

(iii) existing generation investments and supply commitments or other obligations incurred before May 2, 1997, and costs arising from these investments and commitments;

(iv) the costs associated with renegotiation or buyout of the existing nonutility and utility power purchase contracts, including qualifying facilities and all costs, expenses, and reasonable fees related to issuing transition bonds; and

(v) the costs of refinancing and retiring of debt or equity capital of the public utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

~~(31)~~(32) "Transition period" means the period beginning on July 1, 1998, and ending on July 1, 2002; ~~unless otherwise extended pursuant to this chapter, during which utilities may phase in customer choice of electricity supplier 2007.~~

~~(32)~~(33) "Transition property" means the property right created by a financing order, including without limitation the right, title, and interest of a utility, assignee, or other issuer of transition bonds to all revenue, collections, claims, payments, money, or proceeds of or arising from or constituting fixed transition amounts that are the subject of a financing order, including those nonbypassable rates and other charges and fixed transition amounts that are authorized by the commission in the financing order to recover transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and acquiring transition property, including the costs of issuing, servicing, and retiring transition bonds. Any right that a utility has in the transition property before the utility's sale or transfer or any other right created under this section or created in the financing order and assignable under this chapter or assignable pursuant to a financing order is only a contract right.

~~(33)~~(34) "Transmission facilities" means those facilities that are used to provide transmission services as determined by the federal energy regulatory commission and the commission.

(35) "Transmission services provider" means a person controlling or operating transmission facilities.

~~(35)~~(36) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits programs costs.

~~(36)~~(37) "Universal system benefits programs" means public purpose programs for:

(a) cost-effective local energy conservation;

(b) low-income customer weatherization;

(c) reducing energy costs of irrigated agriculture in Montana through conservation and efficiency



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

measures:

- ~~(c)~~(d) renewable resource projects and applications, including those that capture unique social and energy system benefits or that provide transmission and distribution system benefits;
  - ~~(d)~~(e) research and development programs related to energy conservation and renewables;
  - ~~(e)~~(f) market transformation designed to encourage competitive markets for public purpose programs; and
  - ~~(f)~~(g) low-income energy assistance.
- ~~(37)~~(38) "Utility" means any public utility or cooperative utility."

**Insert:** "Section 9. Section 69-8-104, MCA, is amended to read:

**"69-8-104. Pilot programs.** (1) Except as provided in ~~69-8-201(4)~~ 69-8-201(5) and 69-8-311, beginning July 1, 1998, utilities shall conduct pilot programs using a representative sample of their residential and small commercial customers. A report describing and analyzing the results of the pilot programs must be submitted to the commission and the transition advisory committee established in 69-8-501 on or before July 1, 2000.

(2) Utilities shall use pilot programs to gather necessary information to determine the most effective and timely options for providing customer choice. Necessary information includes but is not limited to:

- (a) the level of demand for electricity supply choice and the availability of market prices for smaller customers;
- (b) the best means to encourage and support the development of sufficient markets and bargaining power for the benefit of smaller customers;
- (c) the electricity suppliers' interest in serving smaller customers and the opportunities in providing service to smaller customers; and
- (d) experience in the broad range of technical and administrative support matters involved in designing and delivering unbundled retail services to smaller customers."

{Internal References to 69-8-104:

69-8-201 x}"

**Renumber:** subsequent sections

14. Page 6, line 29.

**Strike:** "~~(6)~~"

**Insert:** "(4)"

15. Page 7, lines 5 through 8.

**Following:** "(2)" on line 5

**Strike:** remainder of line 5 through "(b)" on line 8

16. Page 7, line 11.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

17. Page 7, line 22.

**Following:** "."

**Insert:** "A distribution services provider has an ongoing regulated default supply obligation beyond the end of the transition period."

18. Page 7, line 23.

**Following:** line 22

**Insert:** "(4) The commission shall establish procedures and terms under which customers may choose an electricity supplier other than the default supplier or may choose to be served by the default supplier. The

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

choice must be available for the period beginning July 1, 2002. The procedures must provide for an orderly process of choice during the transition period and provide conditions for leaving and returning to the default supplier. The procedures must take into account electricity supply contracts for supplying customers during the transition period. The procedures must provide for the recovery of costs associated with those customers who choose an alternative electricity supplier and who wish to return to the default supplier."

**Renumber:** subsequent subsections

19. Page 8, lines 4 through 8.

**Strike:** subsection (6) in its entirety

20. Page 8, line 10 through page 9, line 7.

**Strike:** section 7 in its entirety

**Insert:** "Section 11. Section 69-8-203, MCA, is amended to read:

**"69-8-203. Public utility -- customer choice --~~continued service~~ -- education of customers.** (1) A customer is permitted to choose an electricity supplier pursuant to the deadlines established in 69-8-201. Public utilities shall propose a method for customers to choose an electricity supplier.

~~(2) If a customer has not chosen an electricity supplier by the end of the transition period, a city, county, or consolidated government that is licensed as an electricity supplier may, upon application to and approval by the commission, become the default supplier to residential and commercial customers of a public utility within its jurisdiction. For customers that are not within the jurisdiction of a licensed and approved city, county, or consolidated government electricity supplier area, a public utility shall propose a method in the public utility's transition plans for assigning that customer to an electricity supplier. The commission shall establish an application process and guidelines for the designation of one or more default suppliers for the distribution area of each public utility.~~

~~(3) A public utility may phase in customer choice to promote the orderly transition to a competitive market environment pursuant to the deadlines in 69-8-201.~~

~~(4)(2)~~ Public utilities shall educate their customers about customer choice so that customers may make an informed choice of an electricity supplier. This education process must give special emphasis to education efforts during the transition period."

**Insert:** "Section 12. Section 69-8-210, MCA, is amended to read:

**"69-8-210. Public utilities -- electricity supply.** (1) On the effective date of a commission order implementing a public utility's transition plan pursuant to 69-8-202, the public utility shall remove its generation assets from the rate base.

~~(2) During the transition period, the commission may establish cost-based prices for electricity supply service for customers that do not have a choice of electricity supply service or that have not yet chosen an electricity supplier.~~

~~(3)(2)~~ ~~If During the transition period, is extended, then~~ the customers' distribution services provider, acting as the default supplier, shall:

(a) beginning July 1, 2002, extend any cost-based contract with the distribution services provider's affiliate supplier for a term of not more than 3 years; or

(b) purchase electricity from the market; and

(c) use a mechanism that recovers electricity supply costs in rates ~~to ensure that those costs are fully recovered~~ as provided in subsection (4).

(3) (a) The default supplier shall provide for the full electricity supply requirements of all default supply customers. To meet these requirements, the default supplier shall procure a portfolio of electricity supply using industry-accepted procurement practices, which may include negotiated contracts or competitive bidding. The commission may develop reasonable requirements for the use of competitive bidding in the procurement process.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

(b) A default supplier may submit material related to proposed bids or contracts concerning electricity supply to the commission before the default supplier enters into the contract. The commission may comment on the material.

(c) In reviewing electricity supply contracts, the commission shall consider only those facts that were known or should reasonably have been known by the default supplier at the time the contract was entered into and that would have materially affected the cost or reliability of the electricity supply to be procured.

(4) (a) The commission shall use an electricity cost recovery mechanism that ensures that all prudently incurred electricity supply costs are fully recoverable in rates. The cost recovery mechanism must provide for prospective rate adjustments for cost differences resulting from cost changes, load changes, and the time value of money on the differences.

(b) The default supplier shall submit a proposed electricity supply cost recovery mechanism to the commission for approval on or before July 1, 2001. A mechanism must be adopted by the commission before March 30, 2002.

(c) The commission shall establish a method to provide for the full recovery of electricity supply costs that extend beyond the end of the transition period.

~~(4)~~(5) If a public utility intends to be an electricity supplier through an unregulated division, then the public utility must be licensed as an electricity supplier pursuant to 69-8-404.

(6) A public utility shall offer its customers an opportunity to purchase a separately marketed product composed of power from renewable resources. This product may be priced differently from the standard electricity product authorized in this section. For the purposes of this section, "renewable resources" means biomass, wind, solar, or geothermal resources."

{ Internal References to 69-8-210:  
69-8-201\*x } ""

**Insert: "Section 13.** Section 69-8-211, MCA, is amended to read:

**"69-8-211. Public utilities -- transition costs and charges -- rate moratorium.** (1) Subject to the provisions of this section, the commission shall allow recovery of the following categories of transition costs:

(a) the unmitigable costs of qualifying facility contracts, including reasonable buyout or buydown costs, for which the contract price of generation is above the market price for generation;

(b) the unmitigable costs of energy supply-related regulatory assets and deferred charges that exist because of current regulatory practices and that can be accounted for up to the effective date of the commission's final order regarding a public utility's transition plan, including costs, expenses, and reasonable fees related to issuing of transition bonds;

(c) the unmitigable transition costs related to public utility-owned generation and other power purchase contracts, except that recovery of those costs is limited to the amount accruing during the first 4 years after the commission enters an order pursuant to 69-8-202(3); and

(d) other transition costs as may qualify for recovery under this section.

(2) Transition costs as determined by the commission upon an affirmative showing by a public utility must meet the following requirements:

(a) Transition costs must reflect all reasonable mitigation by the public utility, including but not limited to good faith efforts to renegotiate contracts, buying out or buying down contracts, and refinancing through transition bonds.

(b) The value of all generation-related assets and liabilities and electricity supply costs must be reasonably demonstrable and must be considered on a net basis, and methods for determining value must include but are not limited to:

(i) estimating future market values of electricity and ancillary services provided by the assets;

(ii) appraisal by independent third-party professionals; or

(iii) a competitive bid sale.

(c) Investments and power purchase contracts must have been previously allowed in rates or, if not

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

previously in rates, must be determined to be used and useful to ratepayers in connection with the commission's approval of the utility's transition plan.

(d) Unless otherwise provided for in this chapter, only costs related to existing investments and power purchase contracts identified in subsection (2)(c) and costs arising from those investments and power purchase contracts may be included as transition costs.

(3) (a) On commission approval of the amount of a public utility's transition costs, those costs must be recovered through the imposition of a transition charge.

(b) A transition charge may not be collected from customers for:

(i) new or additional loads of 1,000 kilowatts or greater that were first served by the public utility after December 31, 1996; or

(ii) loads served by that customer's own generation.

(c) Subject to commission approval, a utility and a customer may agree to alter the customer's transition charge payment schedule. Public utilities may file with the commission tariffs for electric service rates that foster economic development or retention of existing customers within the state, including generally available rate schedules. Transition charges are the only charges that may be imposed upon a customer class to recover transition costs under this section. A separate exit fee may not be charged.

(4) Transition charges must be imposed within a transition cost recovery period approved by the commission on a case-by-case basis. Except for transition costs recovered under subsection (1)(c), categories of transition costs may have varying transition cost recovery periods.

(5) Approval of transition costs and collection of those transition costs through transition charges is a settlement of all transition costs claims by a public utility. A public utility seeking to recover transition costs through any means not authorized by this chapter may not collect transition charges with respect to these transition costs.

(6) Except as provided in subsection (7), public utilities shall implement a rate moratorium ~~during the transition period as follows:~~

~~(a) From July 1, 1998, through June 30, 2000, public utilities may not charge rates higher than those rates in effect on July 1, 1998.~~

~~(b) From from July 1, 2000, through June 30, 2002, and~~ only for those customers subject to the provisions of 69-8-201(1)(b); During that period, public utilities may not increase that increment of rates normally allocated to electric supply-related costs above the increment associated with electric supply-related costs reflected in rates in effect on July 1, 1998. Beginning on July 1, 2000, public utilities may propose increases to those increments of rates normally allocated to transmission and distribution costs.

(7) Excepted from the provisions of subsection (6) are:

(a) increased costs related to universal system benefits programs greater than those currently in rates, including the treatment of universal system benefits program costs as an expense;

(b) increased costs necessary to implement full customer choice, including but not limited to metering, billing, and technology. Those costs must be recovered from the customers on whose behalf the increased costs are incurred.

(c) subject to commission approval, an extraordinary event resulting in either:

(i) a 4% annual revenue requirement increase from July 1, 1998, through June 30, 2000; or

(ii) an 8% power supply-related annual revenue requirement increase from July 1, 2000, through June 30, 2002;

(d) the increase or decrease in the annual state and local property tax expense that has occurred since May 2, 1997.

(8) Notwithstanding subsections (6) and (7), during the transition period, public utilities may not charge rates or collect costs that include costs reallocated to transition costs at a level higher than the public utility would reasonably expect to recover in rates had the current regulatory system remained intact.

(9) Public utilities shall apply savings resulting under 69-8-503 toward the rate moratorium pursuant to subsection (6).

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

(10) ~~During the 4-year transition period~~ Before July 1, 2002, public utilities may accelerate the amortization of accumulated deferred investment tax credits associated with transmission, distribution, and the general plant as an adjustment to earnings if electric earnings fall below 9.5% earned return on average equity. The public utility may include the flow through of investment tax credits so that the public utility's earned return on equity is maintained at 9.5%. Accumulated deferred investment tax credits amortized under this subsection may not be reflected in operating income for ratemaking purposes.

(11) The commission shall issue the accounting orders necessary to align rate moratorium timing and requirements to actual transition bonds savings.'''

**Insert: Section 14.** Section 69-8-402, MCA, is amended to read:

**"69-8-402. Universal system benefits programs.** (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, energy conservation measures for irrigated agriculture, and low-income energy assistance during the transition period and into the future.

(2) Beginning January 1, 1999, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. Except as provided in subsection ~~(7)~~ (8), these universal system benefits charge rates must remain in effect until ~~July 1, 2003~~ December 31, 2005.

(a) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.

(b) Utilities must receive credit toward annual funding requirements for a utility's internal programs or activities that qualify as universal system benefits programs, including those portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, conservation and efficiency measures for irrigated agriculture, or low-income energy assistance, and for large customers' programs or activities as provided in subsection ~~(7)~~ (8). The department of revenue shall review claimed credits of the utilities and large customers pursuant to 69-8-414.

(c) A utility's distribution services provider at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs expenditure.

(d) A customer's distribution services provider shall collect universal system benefits funds less any allowable credits.

(e) For a utility to receive credit for low-income related expenditures and conservation and efficiency measures for irrigated agriculture, the activity must have taken place in Montana.

(f) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of subsection (2), then the utility shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.

(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs, conservation and efficiency measures for irrigated agriculture, and low-income energy assistance.

(4) A utility's transition plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.

(5) A utility's minimum annual funding requirement for low-income energy and weatherization assistance is established at 17% of the utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.

(a) A utility must receive credit toward the utility's low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

(b) If a utility's credit for internal activities does not satisfy its annual funding requirement, then the utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412.

(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.

(7) (a) Except for those utilities that have not filed a transition plan, a utility's minimum annual funding requirement for reducing energy costs through conservation and efficiency measures for irrigated agriculture is established at 6% of the utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.

(b) A utility must receive credit toward the utility's irrigated agriculture assistance annual funding requirement for the utility's internal irrigated agriculture assistance programs or activities.

(c) If a utility's credit for internal activities does not satisfy its annual funding requirement, then the utility shall make a payment for any difference to the irrigated agriculture energy assistance fund established in 69-8-412.

~~(7)~~(8) (a) A large customer:

(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:

(A) \$500,000, less the large customer credits provided for in this subsection ~~(7)~~ (8); or

(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection ~~(7)~~ (8);

(ii) must receive credit toward that large customer's universal system benefits charge for internal expenditures and activities that qualify as a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:

(A) expenditures that result in a reduction in the consumption of electrical energy in the large customer's facility; and

(B) those portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.

(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a calendar year that exceed that large customer's universal system benefits charge for the calendar year must be used as a credit against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

~~(8)~~(9) A public utility shall prepare and submit an annual summary report of the public utility's activities relating to all universal system benefits programs to the commission, the department of revenue, and the transition advisory committee provided for in 69-8-501. A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the transition advisory committee. The statewide cooperative utility office shall prepare and submit an annual summary report of the activities of individual cooperative utilities, including a summary of the pooling of statewide credits, as provided in subsection (3), to the department of revenue and to the transition advisory committee. The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

(a) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

(b) the level of funding for those programs relative to the annual funding requirements prescribed in subsection (2); and

(c) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements.

~~(9)~~(10) A utility or large customer filing for a credit shall develop and maintain appropriate documentation to support the utility's or the large customer's claim for the credit.

~~(10)~~(11) (a) A large customer claiming credits for a calendar year shall submit an annual summary report

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

of its universal system benefits programs activities and expenditures to the department of revenue and to the large customer's utility. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the department of revenue or the utility is not required, except as provided in subsection ~~(10)(b)~~ (11)(b).

(b) If a large customer claims a credit that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that credits claimed by the large customer be first approved by the utility. If the utility approves the large customer credit, the utility may be financially responsible for any subsequent disallowance." { Internal References to 69-8-402:

69-8-201x    69-8-201x    69-8-311x    69-8-412x`  
69-8-414x    69-8-414x    69-8-501x }"

**Insert: "Section 15.** Section 69-8-403, MCA, is amended to read:

**"69-8-403. Commission authority -- rulemaking authority.** (1) Beginning on the effective date of a commission order regarding a public utility's transition plan, the commission shall regulate the public utility's retail transmission and distribution services within the state of Montana, as provided in this chapter, and may not regulate the price of electricity supply except as electricity supply may be procured as provided in this section:

(a) by one or more default suppliers for those customers not being served by a competitive supplier; or  
(b) by the distribution function of a public utility for those customers that are not being served by a competitive electricity supplier as provided by commission rules. During the transition period, those procurements may include a cost-based contract from a supply affiliate or an unregulated division.

(2) The commission shall decide if there is workable competition in the electricity supply market by determining whether competition is sufficient to inhibit monopoly pricing or anticompetitive price leadership. In reaching a decision, the commission may not rely solely on market share estimates.

(3) The commission shall license electricity suppliers and enforce licensing provisions pursuant to 69-8-404.

(4) The commission shall promulgate rules that identify the licensees and ensure that the offered electricity supply is provided as offered and is adequate in terms of quality, safety, and reliability.

(5) The commission shall establish just and reasonable rates through established ratemaking principles for public utility distribution and transmission services and shall regulate these services. The commission may approve rates and charges for electricity distribution and transmission services based on alternative forms of ratemaking such as performance-based ratemaking, on a demonstration by the public utility that the alternative method complies with this chapter, and on the public utility's transition plan.

(6) The commission shall certify that a cooperative utility has adopted a transition plan that complies with this chapter. A cooperative utility's transition plan is considered certified 60 days after the cooperative utility files for certification.

(7) The commission shall promulgate rules that protect consumers, distribution services providers, and electricity suppliers from anticompetitive and abusive practices.

~~(8) The commission shall license default suppliers and enforce default licensing provisions pursuant to 69-8-416.~~

~~(9) The commission shall promulgate rules for the licensing of default suppliers on or before December 1, 1999.~~

(8) The commission shall establish electricity supply rates for individual customer classes, which may vary based on cost factors associated with classifications of service or customers and any other reasonable consideration. Collectively, the individual electricity supply rates must reflect the full level of electricity supply costs that the default supplier incurs on behalf of its customers.

~~(10)(9)~~ (9) Until the commission has determined that workable competition has developed for small customers, a default supplier's obligation to serve remains.

~~(11)(10)~~ (10) In addition to promulgating rules expressly provided for in this chapter, the commission may

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

promulgate any other rules necessary to carry out the provision of this chapter.

~~(12)~~(11) This chapter does not give the commission the authority to:

(a) regulate cooperative utilities in any manner other than reviewing certification filings for compliance with this chapter; or

(b) compel any change to a cooperative utility's certification filing made pursuant to this chapter."

{ Internal References to 69-8-403:

35-19-103 35-19-103 35-19-104 }

**Insert: "Section 16.** Section 69-8-412, MCA, is amended to read:

**"69-8-412. Funds established -- fund administrators designated -- purpose of funds -- department rulemaking authority to administer funds.** (1) If, pursuant to 69-8-402(2)(f) or (5)(b), there is any positive difference between credits and the annual funding requirement, the department of revenue shall establish one or ~~both~~ all of the following funds:

(a) a fund to provide for universal system benefits programs other than low-income energy assistance. The department of environmental quality shall administer this fund.

(b) a fund to provide universal low-income energy assistance. The department of public health and human services shall administer this fund.

(c) a fund to provide for reductions in the energy costs of irrigated agriculture through energy conservation and efficiency measures. The department of agriculture shall administer this fund.

(2) The purpose of these funds is to fund universal system benefits programs.

(3) The department of environmental quality and the department of public health and human services may adopt rules that administer and expend the money in each respective fund based on an annual statewide funding assessment that identifies funding needs in universal system benefits programs. The annual assessment must take into account existing utility and large customer universal system benefits programs expenditures.""

**Insert: "Section 17.** Section 69-8-414, MCA, is amended to read:

**"69-8-414. Universal system benefits programs credit review process.** (1) All annual reports required pursuant to ~~69-8-402(8) and (10)~~ 69-8-402(9) and (11) must be filed with the department of revenue on March 1 of each year.

(2) Except as provided in 69-8-413, upon a challenge by an interested person, the department of revenue shall ensure that the credit claimed is consistent with this chapter. An interested person may file comments challenging the claim, including supporting documentation, with the department of revenue. A challenge of any claimed credit must be filed within 60 days of the department of revenue's receipt of the credit claimant's annual reports required pursuant to ~~69-8-402(8) and (10)~~ 69-8-402(9) and (11).

(3) Claimed credits are presumed to be correct unless challenged by an interested person. If a challenge is filed by an interested person, the department of revenue shall conduct an initial review of a challenged credit and shall make a determination as to the likelihood that the challenged credit qualifies for universal system benefits programs. If the department of revenue finds that the challenged credit is not likely to qualify for universal system benefits programs, the department of revenue shall formally review the challenge; otherwise, the department of revenue shall dismiss the challenge and provide a statement of the reasons supporting dismissal of the challenge. The department of revenue may request additional information from the credit claimant or interested person. The department of revenue shall complete the initial review within 30 days of the challenge.

(4) If the department of revenue determines that a formal review of a challenged credit is necessary, the department of revenue shall provide public notice of the opportunity to comment to the credit claimant and interested persons. The department of revenue may also schedule an oral hearing. If a hearing is scheduled, the department of revenue shall provide public notice of the hearing to the credit claimant and interested persons.

(5) For a formal credit review challenge, the following procedures apply:

(a) The credit claimant shall provide documentation supporting the credit claimed to the department of revenue and to all interested persons, subject to department of revenue protective orders for confidential or sensitive materials, upon a showing of a privacy interest by the credit claimant.



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

(b) The department of revenue shall make all materials related to the claim, the challenge, and the submitted comments available to the credit claimant and for public inspection and photocopying, subject to any department of revenue protective orders.

(c) The credit claimant may respond in writing to any comments and other documents filed by an interested person.

(d) The department of revenue may ask for additional detailed information to implement this section.

(6) Upon completing a formal review of a challenged credit, the department of revenue shall make a decision to certify or to deny the credit claimed, providing a statement of the reasons supporting the department of revenue's decision. The formal review of a challenged credit, including the department of revenue's final decision, must be completed within 60 days of the department of revenue's public notice of the opportunity to comment on the challenged credit.""

**Renumber:** subsequent sections

21. Page 13, line 18.

**Insert: "NEW SECTION. Section 18. Consumer electricity support program.** (1) There is a consumer electricity support program. The purpose of the program is to provide an affordable and reliable electricity supply to customers of the default supplier from July 1, 2002, until June 30, 2007. The consumer electricity support program consists of financial support or the assignment and subsequent disposition of electricity supply.

(2) There is a consumer electricity support account in the state special revenue fund. The account must be used for the deposit of any of the financial sources dedicated to the account. Distributions from the account must be in accordance with rules adopted by the department of administration for the program. Financial sources for funding the account may include:

(a) allocations from the state as provided by law; and

(b) other financial sources as identified in rules adopted by the department of administration.

(3) Electricity supply made available for the program must be either disposed of, with the resulting revenue deposited to the consumer electricity support account, or assigned to the distribution services provider to serve default supply customers. The electricity supply providers must be reimbursed for electricity supply contributed and used in accordance with rules adopted by the department of administration for this program.

Electricity supply sources include:

(a) electricity provided by electricity suppliers;

(b) electricity available in the electrical energy pool established in [section 1 of House Bill No. 645];

(c) government power authorities;

(d) qualifying facility electricity supply as provided by law; and

(e) any other source of electricity supply as identified in rules adopted by the department of administration.

(4) The consumer electricity support program must be administered by the department of administration. The department shall adopt rules necessary to operate the program and to allocate the consumer electricity support resources beginning July 1, 2002. The rules must provide for the equitable distribution of program resources for default supply customers and for the reimbursement of the electricity supply providers. The rules must balance the short-term considerations of cost mitigation with the longer-term interests of encouraging customer demand response by establishing accurate electricity supply price signals. The department shall implement the consumer electricity support program in coordination with the default supplier.

(5) The department of administration may recover the costs of administering the program from the consumer electricity support account."

**Insert: "NEW SECTION. Section 19. Funding of consumer electricity support program.** (1) Up to \$100 million each year from the revenue derived from the electrical energy excess revenue tax imposed by [sections 1 through 10 of Senate Bill No. 512] must be transferred from the general fund into the consumer electricity support account.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

(2) Pursuant to rules adopted by the department of administration under [section 18], at least 80% of the money in the account must be used to promote price stability of the supply of electrical energy in Montana:

(a) for default customers of a public utility that has submitted a transition plan pursuant to parts 1 through 5 of this chapter on or before July 1, 2001; and

(b) for customers that chose an electrical energy supplier as provided in Title 69, chapter 8, part 2.

(3) Pursuant to rules adopted by the department of administration under [section 18], the amount remaining in the account after promoting price stability of the supply of electrical energy under subsection (2) of this section may be used for the following purposes:

(a) assisting in the recruitment of new employers with 100 employees or more and in the promotion of the expansion of employment by 100 employees or more by existing employers who need a reasonable and stable supply of electrical energy;

(b) funding universal system benefits programs provided for in this chapter;

(c) providing low-interest loans for new transmission facilities or for improvements to existing transmission facilities;

(d) providing low-interest loans for the construction of new temporary or permanent electrical generation facilities and for the expansion of the net generation capacity of existing electrical generation facilities. The electrical generation facilities referred to in this subsection must have an electrical generation capacity of 60 megawatts or less.

(4) In adopting rules, the department of administration shall consult with the commission and the consumer counsel. The department may contract with the commission for the administration of portions of the program.

(5) The funds deposited in the account under this section but not expended for the purposes established in this section must be transferred to the general fund after the end of each biennium.

(6) The money in the state special revenue account is statutorily appropriated, as provided in 17-7-502, for the purposes of [section 18] and this section."

**Insert:** "NEW SECTION. Section 20. Short title. [Sections 20 through 28] may be cited as the "Montana Power Authority Act"."

**Insert:** "NEW SECTION. Section 21. Purpose. The legislature finds and declares that:

(1) the economic viability and security of the state of Montana is directly linked to reliable and affordable electrical energy;

(2) electrical energy has become a basic and irreplaceable necessity that impacts the public health, safety, and welfare of all Montana citizens;

(3) Montana's residential, agricultural, governmental, commercial, and industrial consumers of electrical energy are entitled to cost-based prices for electrical energy; and

(4) it is in the public interest that the Montana power authority have the ability to:

(a) purchase electrical energy from any supplier in the wholesale market for the purpose of providing reliable, cost-based power exclusively to Montana consumers;

(b) construct, acquire, or enter into joint ventures to construct or acquire electrical generation facilities that will provide cost-based power to consumers in Montana;

(c) construct, acquire, or enter into joint ventures to construct or acquire electrical energy transmission or distribution systems;

(d) sell electrical energy to a default supplier and to any municipal utility, cooperative utility, or investor-owned utility that serves Montana customers;

(e) contract with public or private entities for the operation and maintenance of state-owned power facilities; and

(f) encourage and support energy conservation to mitigate consumer costs and detrimental impacts on the environment."

**Insert:** "NEW SECTION. Section 22. Definitions. As used in [sections 20 through 28], unless the context

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

requires otherwise, the following definitions apply:

- (1) "Cost-based" means the price charged to a distribution services provider that is sufficient to meet the operating costs, including commodity costs, of the Montana power authority and to ensure timely repayment of bonds issued on behalf of or any other debt incurred by the Montana power authority.
- (2) "Default supplier" means a distribution services provider.
- (3) "Department" means the department of natural resources and conservation established in 2-15-3301.
- (4) "Montana power authority" or "authority" means the citizen board established in [section 23]."

**Insert: "NEW SECTION. Section 23. Montana power authority -- board composition -- procedures. (1)**

There is a Montana power authority consisting of a seven-member citizen board appointed by the governor with the consent of the senate.

- (2) In selecting the members, the governor shall:
  - (a) consider each prospective member's knowledge and understanding of the structural and financial dimensions of the electrical energy sector of the state's economy;
  - (b) ensure that two of the members broadly represent, as evidenced by their background, experience, and livelihood, the following categories of electrical energy consumption:
    - (i) irrigated agriculture;
    - (ii) commercial and industrial enterprise; and
    - (iii) residential;
  - (c) choose an at-large member with academic or business credentials that indicate that the person has substantial experience in energy markets in the region of the western states; and
  - (d) choose an at-large member with substantial experience in financial, banking, and bonding matters.
- (3) The members shall elect the presiding officer by majority vote.
- (4) Members of the Montana power authority shall serve staggered 4-year terms. The governor shall designate two of the initial members to serve 2-year terms and three of the initial members to serve 3-year terms. Vacancies must be filled by appointment for the unexpired term. A member may not serve more than two consecutive terms.
- (5) The Montana power authority shall meet at least twice a year and may meet more frequently as required by circumstances or at the request of any two or more members of the authority.
- (6) Decisions of the Montana power authority require a simple majority of the whole membership.
- (7) The Montana power authority is attached to the department for administrative purposes, and the department shall provide staff support and a liaison between the authority and other state or federal agencies."

**Insert: "NEW SECTION. Section 24. Powers and duties. (1) The Montana power authority may:**

- (a) purchase electrical energy from any wholesale power supplier, on a contractual basis, without limitation on the duration of any contract, to meet the aggregated load requirements of consumers in the service territory of a distribution services provider in Montana;
  - (b) purchase, construct, and operate electrical generation facilities or electrical energy transmission or distribution systems in the state;
  - (c) enter into joint ventures with any municipality, a cooperative, an investor-owned utility, or any other public or licensed private entity in Montana for the purpose of financing the construction of an electrical generation facility or an electrical energy transmission or distribution system;
  - (d) request that the legislature authorize revenue bonds to be issued by the board of examiners pursuant to Title 17, chapter 5, for the purpose of:
    - (i) constructing electrical generation facilities or electrical energy transmission or distribution systems in the state; or
    - (ii) purchasing an electrical generation facility or an electrical energy transmission or distribution system;
- or
- (e) sell electrical energy to any distribution services provider in the state;
  - (f) participate in a regional transmission organization established in response to or in compliance with an

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

order of the federal energy regulatory commission; and

(g) participate with any municipality in an electrical energy generation project as provided in Title 90, chapter 5, part 1. The bonds may be publicly or privately sold, bear interest at rates and times, and mature at times not exceeding 40 years from the date of issuance as the board shall determine. The board may issue the bonds pursuant to a resolution or indenture of trust with a financial institution having the powers of a trust company. The resolution or indenture may contain provisions for protecting and enforcing the rights of bondholders that are reasonable and proper and not in violation of law, including covenants setting forth the duties of the state, the board of examiners, the authority, or agencies of the state in relation to the acquisition, construction, improvements, maintenance, operation, repair, and insurance of the project financed with the proceeds of the bonds and the custody and application of all money. The trust indenture may set forth the rights and remedies of the bondholders as is customary in trust indentures, deeds of trust, and mortgages securing bonds.

(2) The Montana power authority shall, subsequent to the purchase of electrical energy from the wholesale market or the generation of power from an in-state generation facility, offer cost-based electrical energy to Montana consumers, including to a default supplier and to any municipal utility, cooperative utility, or investor-owned utility in the state."

**Insert: "NEW SECTION. Section 25. Bond authorization.** (1) The board of examiners may issue and sell bonds of the state in an aggregate principal amount not to exceed \$500 million for the purposes authorized in [section 26]. The bonds are revenue obligations in which the net revenue from the sale of the electrical energy produced from the electrical generation facilities acquired or built pursuant to [section 26] or revenue from electrical energy transmission and distribution charges is pledged for payment of the principal and interest on the bonds. The board may issue the bonds in accordance with the applicable provisions contained in 17-5-921 through 17-5-930.

(2) The proceeds of the bonds, other than any premiums and accrued interest received, must be deposited in an account in the state special revenue fund. Premiums and accrued interest must be deposited in the debt service fund established in 17-2-102. Proceeds of bonds deposited in the account may be used to pay the costs of issuing the bonds and to fulfill the purposes authorized in [section 26]. For the purposes of 17-5-803 and 17-5-804, the account constitutes a capital projects account. The bond proceeds must be available to the Montana power authority and may be used for the purposes authorized in this section without further budgetary authorization.

(3) (a) In authorizing the sale and issuance of the bonds, the board of examiners, upon request of the Montana power authority, may create separate accounts or subaccounts to provide for the payment and security of the bonds, including a debt service reserve account. The net revenue from the sale of the electrical energy produced from the electrical generation facilities acquired pursuant to [section 26] must be pledged to these accounts.

(b) The electrical energy produced from the electrical generation facilities must be offered to in-state customers before the electrical energy may be offered to other customers."

**Insert: "NEW SECTION. Section 26. Use of bond proceeds.** The Montana power authority shall use the proceeds of the bonds authorized in [section 25] to purchase the electrical generation facilities and associated water rights for those facilities, to build electrical energy generation facilities, to design and build new state-owned electrical energy transmission or distribution systems, or to pay capitalized interest during construction, to fund a debt service reserve, and to pay costs associated with the sale and security of the bonds. The Montana power authority may not acquire a facility or system that is associated with a superfund project."

**Insert: "NEW SECTION. Section 27. Interagency cooperation.** (1) State agencies shall cooperate with the Montana power authority in the planning of electrical energy purchases or the permitting or constructing of electrical generation facilities.

(2) Within the limits of available resources, state agencies shall provide scientific, economic, and other relevant data requested by the Montana power authority."

**Insert: "NEW SECTION. Section 28. Pledge.** In accordance with constitutions of the United States and the state of Montana, the state pledges that it will not in any way impair the obligations of any agreement between the

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

state and the holders of the bonds issued by the state."

**Insert:** "NEW SECTION. Section 29. Adoption of rules. Because the supply and price of electricity constitute a threat to the public health, safety, and welfare, the commission and the department of administration may begin proceedings to adopt rules immediately upon passage and approval of [this act]. The rules must be adopted by July 1, 2001."

**Insert:** "NEW SECTION. Section 30. Repealer. Sections 35-19-103, 69-8-416, and 69-8-417, MCA, are repealed."

**Renumber:** subsequent sections

22. Page 13, line 24.

**Following:** "¶"

**Insert:** "(1)"

23. Page 13, line 27.

**Insert:** "(2) [Sections 18 and 19] are intended to be codified as an integral part of Title 69, chapter 8, and the provisions of Title 69, chapter 8, apply to [sections 18 and 19].

(3) [Sections 20 through 28] are intended to be codified as an integral part of Title 69, and the provisions of Title 69 apply to [sections 20 through 28]."

24. Page 13, line 28.

**Strike:** "date"

**Insert:** "dates"

**Following:** "date."

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

25. Page 13, line 29.

**Insert:** "(2) [Sections 29 and 31 and this section] are effective on passage and approval."

For the House:

Mood, Chairman  
R. Brown

For the Senate:

McNutt, Chairman  
Ellis  
Ryan

**MESSAGES FROM THE GOVERNOR**

April 21, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Tom Beck  
President of the Senate  
State Capitol

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Helena, Montana 59620

Dear Speaker McGee and President Beck:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 124, **"AN ACT GENERALLY REVISING THE LAWS GOVERNING LOCAL GOVERNMENT AND STATE REVENUE COLLECTION AND ALLOCATION; CLARIFYING STATE MANDATES THAT MAY NOT BE IMPOSED ON LOCAL GOVERNMENTS WITHOUT FUNDING; ELIMINATING SPECIFIC STATUTORY MILL LEVY RESTRICTIONS; REVISING THE LIMIT ON PROPERTY TAXES; PROVIDING FOR A UNIFORM ELECTION PROCEDURE TO EXCEED THE MILL LEVY LIMIT; PROVIDING FOR LOCAL GOVERNMENT ENTITLEMENTS TO REPLACE REIMBURSEMENTS AND TO ACCOUNT FOR REVENUE ALLOCATIONS; CALCULATING ENTITLEMENTS BY DEDUCTING DISTRICT COURT COSTS AND PUBLIC ASSISTANCE COSTS; PROVIDING A STATUTORY APPROPRIATION FOR ENTITLEMENT PAYMENTS; PROVIDING FOR FUND TRANSFERS FROM THE GENERAL FUND TO STATE AGENCIES TO ACCOUNT FOR REVISED REVENUE ALLOCATIONS; INCLUDING STATE PAYMENTS IN LIEU OF TAXES FOR STATE LAND IN THE ENTITLEMENT SHARE CALCULATION; PROVIDING FOR CERTAIN UNIFORM VEHICLE FEES; RETAINING VEHICLE FEES, ALCOHOL TAXES, AND GAMBLING TAXES AT THE STATE LEVEL; REVISING THE FUNDING METHOD FOR PROVIDING PUBLIC ASSISTANCE; CONVERTING CERTAIN SPECIAL LEVIES INTO FEES; PROVIDING FOR BLOCK GRANTS FOR SCHOOL DISTRICTS; PROVIDING FOR BLOCK GRANTS TO COUNTIES FOR DISTRIBUTION TO SCHOOL DISTRICTS FOR PURPOSES OF COUNTYWIDE SCHOOL TRANSPORTATION AND COUNTYWIDE SCHOOL RETIREMENT; APPROPRIATING MONEY FOR SCHOOL DISTRICT BLOCK GRANTS, COUNTYWIDE SCHOOL TRANSPORTATION BLOCK GRANTS, COUNTYWIDE SCHOOL RETIREMENT BLOCK GRANTS, AND DISTRICT COURT EXPENSES; AMENDING SECTIONS 1-2-112, 2-9-316, 3-2-714, 3-5-901, 7-2-2730, 7-2-2746, 7-2-4111, 7-2-4918, 7-3-1310, 7-3-1311, 7-3-1313, 7-3-4312, 7-6-502, 7-6-2301, 7-6-2314, 7-6-2319, 7-6-2328, 7-6-2329, 7-6-2345, 7-6-2501, 7-6-2511, 7-6-2512, 7-6-2522, 7-6-2523, 7-6-2541, 7-6-4134, 7-6-4238, 7-6-4261, 7-6-4272, 7-6-4431, 7-6-4451, 7-6-4453, 7-6-4455, 7-7-2202, 7-7-2206, 7-7-2303, 7-14-111, 7-14-232, 7-14-1131, 7-14-1134, 7-14-1632, 7-14-1633, 7-14-2501, 7-14-2502, 7-14-2503, 7-14-2504, 7-14-2523, 7-14-2807, 7-14-4106, 7-14-4404, 7-14-4644, 7-14-4734, 7-15-4293, 7-16-101, 7-16-2102, 7-16-2108, 7-16-2109, 7-16-2205, 7-16-2411, 7-16-2412, 7-16-2431, 7-16-2443, 7-16-4105, 7-16-4113, 7-16-4114, 7-21-3203, 7-21-3433, 7-21-3457, 7-22-2142, 7-22-2222, 7-22-2306, 7-22-2432, 7-22-2512, 7-32-235, 7-32-4117, 7-33-2209, 7-33-4111, 7-33-4130, 7-34-102, 7-34-2131, 7-34-2133, 7-34-2204, 7-34-2303, 7-34-2417, 7-35-2122, 10-2-501, 10-2-603, 13-13-230, 15-1-402, 15-1-501, 15-10-420, 15-16-117, 15-24-303, 15-24-902, 15-24-904, 15-24-921, 15-24-922, 15-24-925, 15-30-121, 15-31-114, 16-1-404, 16-1-406, 16-1-411, 17-7-502, 19-6-709, 19-7-404, 19-9-209, 19-13-214, 19-18-503, 19-18-504, 19-19-301, 20-7-705, 20-7-714, 20-9-141, 20-9-168, 20-9-331, 20-9-333, 20-9-501, 20-10-144, 20-10-146, 20-15-305, 20-15-311, 20-15-326, 20-25-1002, 22-1-304, 23-2-508, 23-2-510, 23-2-512, 23-2-518, 23-2-611, 23-2-612, 23-2-615, 23-2-616, 23-2-803, 23-2-804, 23-2-811, 23-2-812, 23-2-814, 23-2-818, 23-5-610, 25-1-201, 39-71-403, 40-4-215, 40-4-226, 41-3-1122, 42-2-105, 50-2-111, 50-2-114, 52-6-105, 53-2-207, 53-2-301, 53-2-304, 53-2-612, 53-3-115, 53-3-116, 53-20-208, 53-21-204, 61-1-102, 61-3-203, 61-3-321, 61-3-325, 61-3-332, 61-3-406, 61-3-411, 61-3-412, 61-3-426, 61-3-431, 61-3-457, 61-3-465, 61-3-509, 61-3-524, 61-3-527, 61-3-707, 61-3-738, 61-9-312, 61-10-130, 61-10-148, 61-10-225, 67-3-205, 67-10-402, 67-11-301, 67-11-303, 72-16-909, 72-16-912, 75-10-533, 76-1-111, 76-1-403, 76-1-404, 76-1-406, 76-2-102, 76-6-109, 76-13-201, 76-15-505, 76-15-516, 76-15-531, 76-15-623, 77-1-502, 77-1-503, 77-1-504, 80-2-201, 80-2-203, 80-2-204, 80-2-205, 80-2-206, 80-2-207, 80-2-209, 80-2-221, 80-2-222, 80-2-224, 80-2-225, 80-2-226, 80-2-228, 80-2-229, 80-2-230, 80-2-231, 80-2-232, 80-2-244, 80-7-814, 80-7-815, 80-7-816, 80-7-822, 81-6-101, 81-6-104, 81-6-106, 81-6-204, 81-6-205, 81-6-209, 81-6-210, 81-7-104, 81-7-113, 81-7-114, 81-7-118, 81-7-**

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**201, 81-7-202, 81-8-503, 81-8-504, 85-3-412, 85-3-422, 85-3-423, AND 90-5-112, MCA, AND SECTION 5, CHAPTER 95, LAWS OF 2001; REPEALING SECTIONS 7-6-2531, 7-6-2532, 7-6-2533, 7-6-2534, 7-6-2535, 7-6-2536, 7-6-2537, 7-6-4432, 7-6-4434, 7-6-4436, 7-6-4437, 7-6-4439, 7-6-4452, 7-16-2432, 7-34-2134, 7-34-2135, 7-34-2136, 15-7-122, 15-31-701, 15-31-702, 17-3-214, 20-25-1007, 52-1-110, 53-2-302, 53-2-306, 53-2-322, 53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247, 61-3-508, 61-3-510, 61-3-511, 61-3-512, 76-1-405, 76-1-407, 77-1-505, 77-1-506, 77-1-507, 80-2-223, AND 80-7-810, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE" for the following reasons.**

As you are aware, the purpose of my amendment is to correct a technical error that occurred during the process of compiling the numerous amendments to this lengthy and complex bill. The error, which relates to the entitlement share figures for certain tax increment financing districts, has been confirmed and discussed by the Legislative Services Division, my Office of Budget and Program Planning and the Department of Revenue. My proposed amendment has also been reviewed by those offices, all of which are in agreement that the amendment will correct the technical error.

The sponsor of HB 124, Representative Story, has been advised of my recommendation and agrees that it should be adopted.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 124

1. Page 14, line 22

**Strike:** "CASCADE" on page 14, line 22 through "610,977" on page 15, line 7.

**Insert:**

Cascade	Great Falls - downtown	\$468,966
Deer Lodge	TIF District 1	3,148
Deer Lodge	TIF District 2	3,126
Flathead	Kalispell - District 1	758,359
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin	Bozeman - downtown	34,620
Lewis and Clark	Helena - # 2	731,614
Missoula	Missoula - 1-1B & 1-1C	1,100,507
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - uptown	283,801
Yellowstone	Billings	436,815"

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 10:30 a.m., Monday, April 23, 2001. Motion carried.

House adjourned at 9:00 a.m.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

House reconvened at 10:30 a.m. All members present, except Representative Eggers, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker recognized Representatives Curtiss and Tropila as Dean legislators and presented a gift to each of them.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/21/2001

Examined by the sponsor and found to be correct: **HB 41, HB 208, HB 226, HB 290, HB 359, HB 360, HB 554, HB 644, HJR 44.**

Signed by the Speaker at 2:15 p.m., April 21, 2001: **HB 41, HB 208, HB 226, HB 290, HB 359, HB 360, HB 554, HB 644, HJR 44.**

Delivered to the Governor for approval at 11:00 a.m., April 21, 2001: **HB 14, HB 57, HB 118, HB 119, HB 214, HB 216, HB 266, HB 273, HB 313, HB 320, HB 324, HB 334, HB 345, HB 382, HB 395, HB 397, HB 403, HB 409, HB 437, HB 442, HB 452, HB 454, HB 463, HB 469, HB 491, HB 492, HB 495, HB 496, HB 499, HB 521, HB 531, HB 543, HB 559, HB 572, HB 583, HB 589, HB 603, HB 605, HB 612.**

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 512** - Representative Gallik moved consideration of the free conference committee report to **SB 512** be placed at the top of the second reading board.

Representative Sliter made a substitute motion that the free conference committee report to **SB 512** be passed for the day. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Excused: Eggers.  
Total 1

Absent or not voting: Cyr, Jackson.  
Total 2

**HB 474** - Representative Sliter moved consideration of the free conference committee report to **HB 474** be placed at the top of the second reading board.

Representative Gallik made a substitute motion that the free conference committee report to **HB 474** be passed for the day. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 38

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Excused: Eggers.  
Total 1

Absent or not voting: Matthews.  
Total 1

**HB 474** - Representative Sliter moved consideration of the free conference committee report to **HB 474** be placed at the top of the second reading board. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 39

Excused: Eggers.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Total 1

Absent or not voting: Matthews.

Total 1

**SB 77** - Representative Sliter moved consideration of the Governor's amendments to **SB 77** be placed at the bottom of the second reading board. Motion carried.

Representative A. Peterson excused at this time.

**HB 474 - Free Conference Committee Report No. 1** - Representative Mood moved the Free Conference Committee report to **HB 474** be adopted.

Representative Noennig moved for cloture on the free conference committee report to **HB 474**. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 70

Noes: Bixby, Branae, Buzzas, Callahan, Erickson, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lindeen, Mangan, Musgrove, Raser, Smith, Tropila, Wanzenried.

Total 27

Excused: Eggers, A. Peterson.

Total 2

Absent or not voting: Facey.

Total 1

Motion that the free conference committee report to **HB 474** be adopted carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Total 40

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2 - Free Conference Committee Report No. 1** - Representative Vick moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 41

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 5 - Free Conference Committee Report No. 3** - Representative Vick moved the Free Conference Committee report to **HB 5** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Noes: Bales, Balyeat, Brueggeman, Davies, Fuchs, Laslovich, Masolo.  
Total 7

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 277** - Representative R. Brown moved that **HB 277** be placed on second reading today.

Representative Golie moved that Representative R. Brown's motion was out of order.

Chairman Younkin ruled Representative R. Brown's motion was in order.

Representative Golie challenged the ruling of the Chair.

Representative R. Brown withdrew his motion to place **HB 277** on second reading today.

**SB 77 - Governor's Amendments** - Representative Shockley moved Governor's amendments to **SB 77** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, K. Peterson, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill.  
Total 43

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 124 - Governor's Amendments** - Representative Story moved Governor's amendments to **HB 124** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Buzzas, P. Clark, Curtiss, Forrester, Fritz, Galvin-Halcro, Lawson, Lenhart, Musgrove, Wanzenried.  
Total 10

Excused: Eggers, A. Peterson.  
Total 2

Absent or not voting: Vick.  
Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 38

Excused: Eggers, A. Peterson.  
Total 2

Absent or not voting: None.  
Total 0

Majority Leader Sliter moved that the House recess until 3:30 p.m. Motion carried.

House recessed at 2:48 p.m.

House reconvened at 3:00 p.m. All members present, except Representatives Eggers and A. Peterson, excused. Quorum present.

**THIRD READING OF BILLS**

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 142, Free Conference Committee Report No. 2**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Devlin, Smith.  
Total 2

Voted Absentee: Eggers, Aye.

Excused: A. Peterson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 247, as amended by the Governor**, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Buzzas, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Mangan.  
Total 12

Voted Absentee: Eggers, Aye.

Excused: A. Peterson.  
Total 1

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Absent or not voting: None.  
Total 0

**HB 573, Free Conference Committee Report No. 2**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 41

Voted Absentee: Eggers, No.

Excused: A. Peterson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 637, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Jackson, Ripley.  
Total 3

Voted Absentee: Eggers, Aye.

Excused: A. Peterson.  
Total 1

Absent or not voting: Hurdle.  
Total 1

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**HB 645, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Curtiss, Pattison.

Total 2

**HJR 42, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin.

Total 74

Noes: Adams, Bales, Balyeat, Barrett, Bitney, R. Brown, E. Clark, Davies, Esp, Fisher, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Masolo, Pattison, K. Peterson, Rice, Ripley, Somerville, Story, Vick, Waitschies, Whitaker, Mr. Speaker.

Total 26

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**SB 176, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery.

Total 82

Noes: Balyeat, Barrett, Davies, Facey, Fuchs, Gallik, Jent, Laslovich, Laszloffy, Lawson, Mood, Pattison, Shockley, Sliter, Vick, Younkin, Mr. Speaker.

Total 17

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**SB 179, as amended by the Governor**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Eggers, Smith.

Total 2

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 242, Free Conference Committee Report No. 1**, adopted as follows:

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Musgrove, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Newman, Noennig, A. Peterson, K. Peterson, Schmidt, Schrumpf, Smith, Somerville, Tramelli, Tropila.

Total 42

Voted Absentee: Eggers, A. Peterson, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 282, as amended by the Governor**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 313, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown,

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams, Shockley.

Total 2

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Erickson, Esp, Facey, Fritz, Gallik, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laszloffy, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Shockley, Smith.

Total 32

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**SB 436, as amended by the Governor**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Esp, Facey,

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Buzzas, Davies, Erickson, Himmelberger, Hurdle, Juneau, Laible, Vick.

Total 9

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 442, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 81

Noes: Adams, Balyeat, Dale, Davies, Esp, Fisher, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Pattison, Rice, Ripley, Steinbeisser, Story, Vick, Waitschies, Mr. Speaker.

Total 19

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 506, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten,

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 508, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 36

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville,

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 41

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 5, Free Conference Committee Report No. 3**, adopted as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Bales, Balyeat, Brueggeman, Davies, Fuchs, Kasten, Laible, Masolo, Pattison, Vick.  
Total 10

Voted Absentee: Eggers, A. Peterson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 474, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 39

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

**HB 124, as amended by the Governor**, passed as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Cyr, Dale, Dell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lewis, Mangan, Matthews, Mood, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 72

Noes: Bales, Balyeat, Bookout-Reinicke, Carney, P. Clark, Curtiss, Davies, Devlin, Fisher, Gallus, Holden, Jackson, Laszloffy, Lawson, Lenhart, Lindeen, Masolo, McCann, McKenney, Musgrove, Olson, Shockley, Sliter, Somerville, Vick.  
Total 25

Voted Absentee: A. Peterson, Aye.

Excused: Eggers.  
Total 1

Absent or not voting: Esp, Pattison.  
Total 2

**SB 77, as amended by the Governor**, concurred in as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Esp, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Laslovich, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Rome, Schrumpf, Shockley, Sliter, Smith, Thomas, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 52

Noes: Balyeat, Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kasten,

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Kaufmann, Keane, Laible, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Pattison, Raser, Ripley, Schmidt, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill.  
Total 48

Voted Absentee: A. Peterson, Aye; Eggers, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

Delivered to the Governor for approval at 3:00 p.m., April 21, 2001: **HB 517, HB 526, HB 539, HB 552, HB 560, HB 563, HB 569, HB 570, HB 578, HB 620, HB 623, HB 643.**

**MESSAGES FROM THE SENATE**

Senate bill concurred in and returned to the House: 4/21/2001

**SB 4**, introduced by Grimes

Governor's amendments to House bill concurred in and returned to the House: 4/21/2001

**HB 247**, introduced by Lewis

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/21/2001

**SB 179**, introduced by Zook

**SB 282**, introduced by Crismore

**SB 313**, introduced by Thomas

**SB 436**, introduced by Ellis

Conference committee report #1 adopted: 4/21/2001

**HB 625**, introduced by Musgrove

Free conference committee report #1 adopted: 4/21/2001

**HB 146**, introduced by Shockley



HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**HB 600**, introduced by Bookout-Reinicke  
**HB 637**, introduced by Kaufmann  
**HB 645**, introduced by Mangan  
**SB 19**, introduced by Halligan  
**SB 176**, introduced by McNutt  
**SB 242**, introduced by O'Neil  
**SB 386**, introduced by Waterman  
**SB 432**, introduced by Taylor  
**SB 506**, introduced by Cobb  
**SB 521**, introduced by Doherty

**MESSAGES FROM THE GOVERNOR**

April 21, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 447** sponsored by Representative Lewis, **House Bill 608** sponsored by Representative Haines, **House Bill 642** sponsored by Representative Story et al., and **House Bill 650** sponsored by Representative Mood et al. on April 21, 2001.

Sincerely,

JUDY MARTZ  
Governor

**MOTIONS**

Representative Kaufmann requested on the free conference committee report to **HB 5**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Balyeat requested on the free conference committee report to **HB 142**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Lehman requested on the Governor's amendments to **SB 282**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Laible requested on the free conference committee report to **HB 5**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Lenhart requested on the Governor's amendments to **SB 77**, both second and third readings today, that his vote be changed from yes to no. There being no objections, so ordered.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

**SPECIAL ORDERS OF THE DAY**

Speaker McGee and Majority Leader Sliter presented gifts to the staff of the House of Representatives.

**MOTIONS**

Representative Sliter moved that the Speaker be authorized to appoint a committee to inform the Senate that the House has finished its business and is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representatives Curtiss, McCann, Story, and Tropila.

Representative Sliter moved that the Speaker be authorized to appoint a committee to inform the Supreme Court that the House has finished its business and is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representatives Adams, Davies, Gutsche, and Hurdle.

Representative Sliter moved that the Speaker be authorized to appoint a committee to inform the Governor that the House has finished its business and is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representatives Bixby, Juneau, Vick, and Younkin.

The committees were discharged.

Sergeant-at-Arms Ahner escorted Senators Bishop, Christiaens, and Cole into the House chambers. Senator Cole informed the House that the Senate has finished its business and is ready to adjourn Sine Die.

Sergeant-at-Arms Ahner escorted the Senators from the House.

**ANNOUNCEMENTS**

Sergeant-at-Arms Ahner escorted the committee who informed the Senate that the House had finished its business and was ready to adjourn Sine Die.

Representatives Story, Curtiss, McCann, and Tropila reported that the Senate had been informed that the House had finished its business and was ready to adjourn Sine Die.

Speaker McGee discharged the committee.

Sergeant-at-Arms Ahner escorted the committee who informed the Supreme Court that the House had finished its business and was ready to adjourn Sine Die.

Representatives Hurdle and Gutsche reported that the Senate had been informed that the House had finished its business and was ready to adjourn Sine Die.

Speaker McGee discharged the committee.

Sergeant-at-Arms Ahner escorted the committee who informed the Governor that the House had finished its business and was ready to adjourn Sine Die.

HOUSE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 21, 2001

Representatives Vick, Bixby, Juneau, and Younkin reported that the Senate had been informed that the House had finished its business and was ready to adjourn Sine Die.

Speaker McGee discharged the committee.

Majority Leader Sliter moved that the House adjourn Sine Die. Motion carried.

House adjourned at 4:48 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House